

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE PROTECTED AREAS
FEDERAL ADVISORY COMMITTEE

+ + + + +

WEDNESDAY,
OCTOBER 11, 2006

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NEWPORT, OREGON

+ + + + +

The Committee met at Oregon Coast
Aquarium, located at 2820 S.E. Ferry Slip Road,
at 8:00 a.m., Dr. Daniel Bromley, Chair,
presiding.

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APPEARANCES:

Ms. Lauren Wenzel, Designated Federal Official

MARINE PROTECTED AREAS FEDERAL ADVISORY
COMMITTEE:

Dr. Daniel Bromley, Chair, University of Wisconsin

Dr. Tundi Agardy, Sound Seas

Mr. Charles D. Beeker, Indiana University

Mr. Robert Bendick, Jr., The Nature Conservancy

Dr. Anthony Chatwin, The Nature Conservancy

Dr. Michael Cruickshank, Marine Minerals Technology

Center Associates

Ms. Ellen Goethel, Fishing and Ocean Education

Dr. John Halsey, Michigan Department of State

Dr. Dennis Heinemann, The Ocean Conservancy

Dr. Mark Hixon, Oregon State University

Mr. George Lapointe, Maine Department of Marine Resources

Dr. Steven Murray, California State University

Dr. John Ogden, Florida Institute of Oceanography,

University of South Florida

Mr. Lelei Peau, American Samoa Department of Commerce

Mr. R. Max Peterson, International Association of

Fish and Wildlife Agencies (Retired)

Mr. Gilbert Radonski, Sport Fishing Institute (Retired)

Dr. James P. Ray, Oceanic Environmental Solutions,

LLC

Dr. Daniel Suman, University of Miami

Mr. Robert Zales, II, Recreational Fishing

NATIONAL MARINE PROTECTED AREAS CENTER:

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Mr. Joseph A. Uravitch
Mr. Jonathan Kelsey
Mr. Charlie Wahle

EX-OFFICIO FEDERAL REPRESENTATIVES:

Ms. Mary M. Glackin, Department of Commerce
Mr. Randal Bowman, Department of the Interior
Designee
Dr. Brian Melzian, Environmental Protection
Agency

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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:00 a.m.)

3 CHAIR BROMLEY: Let's get started.

4 I'm going to turn it over to Mark Hixon, who
5 will introduce our panelists.

6 Mark, are you going to come up here,
7 or are you going to stay there?

8 DR. HIXON: Actually, I'm going to
9 have the panelists come up and --

10 CHAIR BROMLEY: Well, we're ready for
11 that, so --

12 DR. HIXON: Could the panelists join
13 me up here, please?

14 Good morning, everyone. Thanks for
15 coming so incredibly bright and early. This is
16 to -- I guess this is the Fed's desire to impress
17 everybody, that we get up early and get to work.

18 I very much appreciate the panelists coming so
19 early for this meeting.

20 When the Federal Advisory Committee
21 meets in various parts of the country, we always
22 typically have a panel from that particular state

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1 or territory, so that the Committee can learn
2 about local and regional processes, and so that's
3 why this panel was convened.

4 In our packets, there are brief
5 biosketches of each of the panelists, so I won't
6 have to go on and on about them. They're all
7 very well qualified and operate at the highest
8 levels within the State of Oregon. So
9 we have three panelists today. We'll start with
10 Jessica Hamilton, who will give us an
11 introduction to initiatives coming out of the
12 Oregon Governor's office regarding marine
13 protected areas. Then, Jim Good will speak to
14 us about basically a history of the MPA process
15 in Oregon. And then, Scott McMullen I understand
16 will finish up with a fishing community
17 perspective on the process. Is that accurate
18 enough?

19 Okay. So we'll start with Jessica.
20 Jessica is the Natural Resource Policy Advisor
21 for the Governor of Oregon. She has done a variety
22 of things, which you'll read in the biosketches.

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1 She has been in her present position most of
2 this year. So we'll start with Jessica.

3 MS. HAMILTON: Good. And I have the
4 pleasure of being here with one of my professors,
5 so this is -- and then Jim also, so --

6 (Laughter.)

7 -- I'm kind of sandwiched between my
8 two professors.

9 DR. HIXON: It's a small stage.

10 (Laughter.)

11 MS. HAMILTON: It is, it is, it is.

12 So thanks for having us. It's a real pleasure
13 for us to be here. We had a pretty big meeting
14 yesterday of the Ocean Policy Advisory Council.

15 And many of you have had a chance to meet probably
16 down in California at different conferences, so
17 it's good to have you guys up in Oregon.

18 My role with the Governor's office
19 is a Natural Resources Policy Advisor. Many of
20 you had a chance to meet my boss last night, Mike
21 Carrier. And he is the Director of the Natural
22 Resources office for the Governor. The Governor

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1 has a variety of different advisors.

2 Natural resources is a key area for
3 him, and within that department there are four
4 staff underneath Mike. So we have a
5 sustainability coordinator, we have two folks
6 that work on rivering and salmon issues and dam
7 issues in the Klamath Basin for example, and then
8 my role is about 50 percent on ocean. So I think
9 that is symbolic of the Governor's commitment
10 to this area, and then I also work on national
11 forest roadless area conservation. If anybody
12 has been following that debate, it's a hot one
13 out in Oregon.

14 And then, during the legislative
15 session, I will also serve as a coordinator for
16 the natural resource agencies. We meet every
17 other year in Oregon, and so that will be
18 certainly a challenge working with all of the
19 state agencies to work on their budgets. So I
20 just wanted to kind of give you a background on
21 what my role is.

22 And in terms of ocean issues, I'm

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1 going to run through some of the ones that are
2 tied specifically to MPAs, but I also wanted to
3 highlight my recent role for the Governor has
4 been working on addressing the restrictions in
5 the commercial salmon fishing off the coast of
6 Oregon.

7 And through that unfortunate process,
8 we have developed really strong relationships
9 with California's Governor in terms of meeting
10 with Lautenbacher, meeting with Hobarth on
11 several occasions to really talk about how we
12 can obtain federal resources for the community
13 that has been affected by these salmon closures.

14 So that's one of the areas.

15 So we'll go ahead and go to Joe. I
16 think you have to smack it a couple of times.
17 Yes, there you go.

18 And so just to kind of -- you guys
19 will hopefully get a chance to look at above the
20 water. This is just -- kind of depicts some of
21 the key areas underneath the water off our coast.

22 And you can go ahead and go to the next one.

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1 And then, of course, our marine life,
2 both -- both human, of course, and animals and
3 plants. And so Governor Kulongoski has really
4 embraced ocean protection following the
5 production of the two major Commission reports,
6 the Key Commission and the U.S. Commission on
7 Ocean Policy.

8 And he certainly agrees with the U.S.
9 Commission that marine ecosystems and economies
10 are threatened by the effects of human use,
11 including climate change, and that Oregon is not
12 immune from these effects. And whereas Oregon
13 is healthier than many parts of the country that
14 does not mean that we can't address things that
15 are considered problems off the coast and then
16 also apply the precautionary principle out here.

17 So, but we also understand that
18 Oregon has a limited jurisdiction and capacity
19 to address the size and complexity of these issues
20 off our coast. And then, we also believe that
21 our new state-federal partnership and
22 ecosystem-based management are important in

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1 order to achieve our objective here in Oregon.

2 So basically the Governor operates
3 under the concept of ecosystem-based management,
4 so he definitely embraces that -- that link
5 between all uses of the ocean. And there are
6 three main areas that I'd like to highlight right
7 now -- his endorsement of the marine reserves
8 proposal that our previous Governor had launched
9 with the -- underneath the advisement of Ocean
10 Policy Advisory Council, proposing a national
11 marine sanctuary in Oregon, and then the West
12 Coast Governor's Agreement on Ocean Health, which
13 was rolled out recently.

14 And maybe I should back up real quick,
15 and I know these gentlemen are going to talk a
16 little bit more about OPAC's role. But basically,
17 the Governor -- it's according to statute that
18 the Governor has an advisory body, so the Ocean
19 Policy Advisory Council is made up of stakeholder
20 groups.

21 And so the Governor will ask OPAC to
22 provide him with feedback on certain proposals

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1 that he would like to move forward. And then,
2 on occasion OPAC will also bring up issues that
3 they would like to advise the Governor on, so
4 just to kind of give you a sense. But for this
5 first topic, marine reserves -- and the next slide
6 actually gives you a little bit more of the
7 history of where that came about, but I'll go
8 ahead and tell you that now.

9 In 2002, OPAC -- the stakeholder
10 group -- made a recommendation, and Governor
11 Kitzhaber endorsed it -- that we establish a
12 limited system of marine reserves off the coast
13 of Oregon. And the objectives -- actually, if
14 you could go back -- the objectives are to
15 establish ecological reference areas, test the
16 effectiveness of maintaining and restoring
17 ecological integrity, and provide a framework
18 for research funding, and then, of course,
19 increase public understanding and awareness.
20 I'm going to give you a little background on that.

21 And so Governor Kulongoski in 2005
22 asked the existing -- the new OPAC, we've had

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1 some changes -- the new OPAC to go ahead and
2 implement that 2002 recommendation, and so there
3 is currently a working group that is working on,
4 what does that mean?

5 So the second topic is the National
6 Marine Sanctuary Proposal. The Governor wrote
7 a letter to our congressional delegation last
8 December 2005, and also asked OPAC to advise him
9 on what a national marine sanctuary could look
10 like off the coast of Oregon. And OPAC is working
11 on providing the Governor with a status report
12 by the end of this year.

13 It's obviously a very complicated
14 process, and OPAC is doing a good job of looking
15 at all of the different angles. But what the
16 Governor has done, within the last month I'd say,
17 is asked OPAC to really focus on two particular
18 areas -- fisheries management in the sanctuary
19 and also the state-federal role and how the state
20 would work with the Federal Government in
21 managing the area off of Oregon.

22 Okay. But the Governor, when he

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1 proposed this last year, he saw a sanctuary as
2 potentially bringing a variety of benefits to
3 the state. It would promote and extend Oregon's
4 ocean policies beyond the Three Mile Zone, and,
5 again, it would be focusing on ecosystem-based
6 multiple use management of our resources, ideally
7 increase research and monitoring -- we're
8 constantly hearing from all sides that we need
9 to have more research and monitoring of our
10 coast -- boosting Oregon's coastal economy, and
11 ending the threat of offshore oil and gas drilling,
12 and then, of course, protecting important marine
13 habitats.

14 So moving on, the big West Coast
15 Governor's Agreement on Ocean Health, how many
16 of you guys were in California when we rolled
17 that out, or at least saw it on video? Okay.
18 So, basically, it has been a great partnership
19 between Governor Schwarzenegger's office, Brian
20 Baird from the resources agency down in
21 California, and Kathleen Drew up in Governor
22 Gregoire office.

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1 We had been collaborating for some
2 time on what it would look like to have a regional
3 agreement or a regional entity to address our
4 California current system off the coast. And
5 the Governor had actually had this concept on
6 his website for over a year that he was interested
7 in this regional concept, and that, again, was
8 inspired by the recommendations of the U.S.
9 Commission on Ocean Policy, that we look at the
10 regional ocean.

11 And so we started working on putting
12 something down on paper, and it was -- it was
13 launched on September 18th of this year, where
14 we had Governor Schwarzenegger come into the
15 Convention Center down in California, and we
16 beamed Governors Kulongoski and Gregoire
17 together via satellite down to launch the
18 agreement. And I think it was fairly well
19 received, and I'm beginning to get feedback from
20 our constituent groups more now than ever.

21 And we definitely are focusing
22 on -- the idea is that this is just a great way

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1 to increase collaboration between the three
2 states. Governance, management, and planning
3 structures we hope will be enhanced by this.
4 We definitely want to share lessons learned.

5 In some areas -- California has made
6 some remarkable steps, and they have struggled
7 along the way, and maybe we can learn from some
8 of the -- not saying there are any major mistakes
9 made, but any of the problems that they had down
10 there we can hope to improve upon it here in
11 Oregon.

12 We certainly want to expand our
13 scientific and educational efforts up and down
14 the coast and create a coordinated management
15 strategy, so we're in regular communication, and,
16 of course, engage the Federal Government.

17 So we have proposed four specific
18 actions. We didn't want it just to be on paper.
19 We wanted to propose four specific actions to
20 be completed within the first six months of the
21 agreement. Definitely we wanted to focus on the
22 number one problem off the coast for the west

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1 coast, which is non-point source pollution.

2 And to the second point, we actually,
3 within a week or two of the agreement, did a joint
4 letter to President Bush and to our Oregon,
5 Washington, and California congressional
6 delegations asking them to keep the moratorium
7 on oil and gas development off our coast in place.

8 As you guys know, there is a big debate going
9 on back in Congress, and so we wanted to lend
10 our voice to the action back there, recognizing
11 that they may in fact take it back up again after
12 the November election.

13 And to tie into the work that Sea
14 Grant is going to be doing on a regional research
15 effort, we definitely wanted to support that and
16 enhance that in any way we can.

17 And then, again, kind of that link
18 to the federal agencies, we're hoping to work
19 more closely with DEQ and having them work with
20 the federal agencies to see how we can obtain
21 some of the information for our efforts out here.

22 The CEQ has that role of implementing the U.S.

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1 Ocean Action Plan.

2 So that's just a little bit about some
3 of the work I get to focus on, and it's very
4 exciting for me personally. And I've had a chance
5 to meet with a lot of folks up and down the coast,
6 and I look forward to talking further with your
7 about our actions.

8 DR. HIXON: Great. Thanks, Jessica.

9 What I'd like to do is hold questions
10 and comments until all three speakers have had
11 a chance to talk to us. That way all these
12 complementary issues can be addressed before we
13 go into discussion.

14 Appreciate your nice, succinct talk.

15 A good model.

16 Okay. Jim Good is a colleague at
17 Oregon State University with me. For many years
18 he ran the Marine Resource Management Program,
19 which is a master's degree program in marine
20 issues, and now is the Vice Chair of the Oregon
21 Policy Advisory Council.

22 Jim?

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1 MR. GOOD: Good. Okay. We're up here.

2 This is the hazards of deciding what we're going
3 to talk about the night before, and then
4 independently putting slide programs together.

5 So I think a few of my slides are almost exactly
6 the same as Jessica's, but what I'd -- can
7 everybody hear me? What I'd like to talk about
8 is to go back in time a little bit as well.

9 Okay. I guess I'd characterize ocean
10 management in Oregon as something that's not new.

11 Really, we started managing the ocean back in
12 the 1960s when the Oregon Department of Fish and
13 Wildlife, and even before that, regulated
14 fisheries within our territorial sea.

15 But generally, our engagement with
16 ocean management started with different issues.

17 It was reactive and gradually moved to this more
18 expansive approach that we're really just
19 beginning to take a look at now, which is more
20 of the ecosystem-based management idea. How do
21 you implement that at a very large scale?

22 So, let's see. The setting -- you

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1 got quite familiar with this last night. But
2 the Oregon -- Oregon has sort of a mid-level width
3 shelf and slope. The continental margin is
4 roughly 40 -- 60 miles offshore where the abyss
5 starts, so it's a relatively narrow shelf
6 compared to, say, the east coast.

7 It's a continental collision plate.

8 We have subduction zone -- a subduction zone
9 offshore that actually runs from Canada down to
10 Cape Mendicino in California. And that's the
11 one that's going to go off sometime with a
12 magnitude 9 earthquake in the future. We've had
13 I think something like seven of them in the last
14 3,500 years, so -- and the last one was about
15 300 years ago, so we're due. We may see a
16 reshaping of our coast in the future.

17 Anyway, we have -- in terms of the
18 offshore oceanography, we have the very cold
19 southward flowing California current. We have
20 seasonal upwelling that happens and then relaxes
21 and happens again during the spring, summer, and
22 early fall. We have major fisheries. Salmon

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1 and tuna are one example, dungeness crab,
2 shrimp, groundfish, those are the major fisheries,
3 and there's lots of smaller fisheries as well.

4 Shipping, mainly into the Columbia
5 River, but we also have two coastal ports that
6 are deep draft ports here in Newport, not a lot
7 of traffic, and also Coos Bay, and a lot of
8 recreational activities, which are actually
9 increasing more things related to ecotourism and
10 such.

11 What I'm going to do is just sort of
12 take you through a very brief history here of
13 ocean management, again, mostly small scale local
14 fisheries in the '60s and '70 with state-level
15 management. The sort of drive to Americanize
16 the fisheries led to the Fishery Conservation
17 Management Act of 1976, and that was certainly
18 an issue here off of Oregon. You could get your
19 binos out and see very large factory trollers
20 out there in the -- particularly the early '70s.

21 Also, in the mid-'70s, there was more
22 of a coastal zone management focus -- estuaries,

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1 people talked about a crisis in estuaries with
2 dredging and filling, and so forth, and beaches,
3 shore lands, coastal development.

4 And at that time, in 1976, we adopted
5 Oregon's first ocean policy, which was actually
6 Dick Hildreth, a colleague at the University of
7 Oregon Law School, who some of you may know, would
8 characterize that as one of the most advanced
9 concepts in ocean policy that had been passed
10 and is still, we think, a very good policy.

11 I'm not going to talk about that in
12 detail, but we started pretty early with our coast
13 management program with this ocean resources
14 goal -- Goal 19.

15 In the late '70s, there was a proposal
16 for an Oregon-Washington OCS lease sale, and that
17 got attention of a lot of people -- all of the
18 renewable resource users, fishers,
19 recreationists, and such, and everybody -- nobody
20 in Oregon I don't think actually wanted OCS oil
21 and gas development, but that spurred additional
22 interest in trying to do something for the oceans.

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1 We had marine oil spills. We had a
2 spill right here, actually a shipwreck off the
3 north jetty at Yaquina Bay. At really, really
4 low tide you may be able to see the masts sticking
5 up at the Blue Magpie. We had a pretty big spill
6 off of the Columbia River in '87, and then in
7 1999 the New Carissa came ashore at -- just north
8 of Coos Bay.

9 Some of the things that we've done
10 in the '80s and particularly in the '80s was oil
11 spill contingency planning along much of the
12 coast to identify key resources.

13 In '83, President Reagan estimated
14 the EECs through Executive Order. Very shortly
15 thereafter, 1983, there was also a proposal by
16 the Mineral Management Service to mine
17 poly-metallic sulfides on the Gorda Ridge. These
18 are the deep ocean spreading centers, and part
19 of that deep ocean spreading center is
20 within -- on the Gorda Ridge is within the
21 exclusive economic zone. And that also got a
22 lot of attention here in Oregon.

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1 There was another proposal to mine
2 plasser minerals, particularly focusing on
3 things like chromium and other strategic minerals
4 off the southern Oregon coast. And, again, we
5 had a lot of interest and effort there.

6 And then, we moved in the mid '80s,
7 towards the end of the '80s, to what I'd
8 characterize as more comprehensive area-based
9 planning. We passed an Ocean Resources
10 Management Act in 1987, a task force was formed
11 to develop an ocean plan. There were meetings
12 up and down the coast, and that resulted in a -- in
13 the Oregon ocean plan, which was legislatively
14 adopted in 1991.

15 OPAC was established as part of that
16 adoption process, OPAC being the Ocean Policy
17 Advisory Council, and one of the first tasks that
18 they undertook was to develop a more detailed
19 territorial sea management plan.

20 Sort of the next thing, continuing
21 crises in fisheries and some responses at the
22 national level, of course, the Sustainable

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1 Fisheries Act has led to major changes in how
2 fisheries are managed here in the United States,
3 and, incidentally, off of our coast.

4 At the state level, the OPAC response,
5 based in part on a request by the Governor to
6 OPAC, to come up with a proposal for establishing
7 marine protected areas within the territorial
8 sea. And, in 2002, there was a recommendation
9 to establish this limited set of reserves that
10 Jessica talked about, and I'll show you a few
11 more things about that.

12 However, that actually led to
13 significant controversy over that recommendation,
14 and led to legislative restructuring of the Ocean
15 Policy Advisory Council. The original Council
16 had agencies and stakeholders all as voting
17 members of the group. The new OPAC has basically
18 stakeholders and public representatives as
19 voting members, and agencies as ex officio
20 members.

21 And this -- the first OPAC was chaired
22 by the Governor's office, and we're now chaired

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1 by one of those voting members, your next speaker,
2 Scott McMullen. So there's I think a different
3 flavor of what we do in OPAC as to what we did
4 before.

5 Governor Kulongoski has basically
6 directed us in his first letter -- we first met
7 in June of '05, the new OPAC, and he asked us
8 to implement the controversial 2002 marine
9 reserve recommendation. A couple months later
10 he also asked us to advise him on a proposal he
11 was making for a national marine sanctuary that
12 would encompass a very large area off the Oregon
13 coast, federal and state waters.

14 And just to cover a little bit more
15 on those two recommendations, this reiterates
16 some of the things that Jessica said, but
17 basically it's worth I think saying again. The
18 2002 recommendation, and actually Scott McMullen
19 was also the chair of the committee that put
20 together this recommendation, but that group
21 recommended, again, a limited system of marine
22 research reserves.

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1 And I underscore "research," to test
2 their effectiveness in meeting marine resource
3 conservation objectives that have been laid out
4 for a long time in that Goal 19 that we adopted
5 in 1976, things like marine biodiversity
6 protection, habitat protection, and such.

7 The process was to include these two
8 phases, kind of an initial planning phase of two
9 to three years with local involvement,
10 identifying criteria for where they should go,
11 working with a science team to identify the types
12 of research questions we would want to ask in
13 these -- with these reserves, and Phase 2 would
14 be the actual designation process. And there
15 really isn't a clear design for how we would do
16 that.

17 There is no fishery-specific
18 recommendation. We didn't recommend -- OPAC did
19 not recommend to establish reserves to improve
20 fisheries or to do those kinds of things, although
21 those might be some of the research questions
22 that we would ask. If you want to find a little

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1 bit more about this, you can go to that site shown
2 there.

3 I've just basically talked about the
4 marine reserve planning progress. Oregon, of
5 course, only has jurisdiction over the
6 territorial sea, but -- and we're just
7 getting -- and that would be where we have the
8 authority to establish marine reserves.

9 The question arises, though, is that
10 going to be sufficient in terms of where we have
11 reserves to answer the kinds of questions that
12 are out there, and that's something that we're
13 bouncing back and forth on right now.

14 Again, the process is just underway.

15 We've formed a marine reserves working group.

16 We have committed to form a science panel. We're
17 use our existing sort of science brokers to
18 identify those people we should be working with
19 to develop, you know, that experimental design
20 for what we would want to get out of our marine
21 reserves.

22 We will be initiating a public

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1 process to get input, particularly on constraints
2 and what local interest might be. We hope to
3 build on lessons learned elsewhere. We had a
4 presentation at our meeting yesterday about the
5 report, which many of you have probably seen,
6 that talks about lessons learned from Triper
7 Tugas, Northwest Straits, and a number of other
8 efforts. Again, the focus will be on research
9 reserves.

10 So we're not talking about building
11 the ultimate conservation system right now. What
12 we're talking about is identifying a few areas
13 to basically do research in in west coast
14 temperate waters to learn more about how these
15 things work, do they achieve the benefits that
16 have been shown in other areas.

17 And some people say, "Well, we don't
18 need to do that. We can, you know, just build
19 on what has been learned elsewhere." We're not
20 Missouri, but I think we're a "Show Me State,"
21 and so we want to take a look at how things work
22 here.

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1 This is a slide that's similar to the
2 one that Jessica showed, but it's the second major
3 MPA proposal that OPAC is looking at, and that
4 is the proposed Oregon coast national marine
5 sanctuary. We've got to come up with a different
6 name for that, though, because there's the
7 Olympic Coast national marine sanctuary, and if
8 you're just into acronyms and speak in acronyms,
9 you're not going to know which area you're talking
10 about. So I'll just go backwards

11 a little bit. This ocean stewardship area, what's
12 that? Oregon, when it adopted its ocean plan
13 in 1991, said, "Well, we only have jurisdiction
14 over the territorial sea, but actually we had
15 an interest in the activities that occur, really,
16 all the way out to the edge of the continental
17 margin."

18 And that we designated in our ocean
19 plan -- and that was reinforced in the territorial
20 sea plan -- that we have -- we claimed an active
21 interest in that area and wanted to be involved
22 in proposals and activities there. And, really,

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1 it's an attempt I think to sort of stretch
2 our -- not our jurisdiction so much but to stretch
3 our involvement in those activities.

4 Of course, under coastal zone
5 management the activities there need to be
6 consistent with our state coastal management
7 program and our ocean plan as part of our state
8 coastal management program. So we have at least
9 a little bit of hedge room to go out there and
10 say, you know, "Feds, you need to coordinate with
11 us when you're doing various things."

12 So the Governor said, basically, this
13 sounds like -- if we're going to implement
14 ecosystem-based management in Oregon, this
15 sounds like a reasonable area to do it in. It's
16 large, it's an area that we don't have much
17 influence now on, but the -- a national marine
18 sanctuary would extend that significantly.

19 So what we have done on the sanctuary
20 proposal? These are some of the same things that
21 Jessica laid out. But the Governor's goal was
22 really to focus on long-term health of ecosystems,

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1 resources, ecosystem-based management was a
2 major focus there. Some of the
3 benefits -- Jessica outlined those. These
4 benefits are one of the things that we're looking
5 at at OPAC in our -- and we have a national marine
6 sanctuary working group put together to evaluate
7 this proposal.

8 But we're looking at: are these
9 benefits real, or not? Or maybe there are some
10 distant benefits associated with some of these
11 things. So we're really taking -- trying to take
12 a hard look at that. And our role overall in
13 the sanctuary process right now is to do a kind
14 of preliminary scoping.

15 If the Governor decides to go ahead,
16 a formal scoping process would start under the
17 National Marine Sanctuary Program, eventually
18 potentially leading to a designation,
19 development of the management plan, probably six-,
20 seven-, eight-year process, given the history
21 of other areas.

22 Another interesting sort of factoid

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1 about the proposal of having the ocean
2 stewardship area as the national marine sanctuary
3 is that's about 21,000 square miles, which is
4 more than all of the other -- area than all of
5 the other sanctuaries put together and about four
6 times larger than the largest sanctuary, which
7 is the Monterey Bay national marine sanctuary.

8 I'm not counting the new national monument on
9 Hawaii Islands.

10 So it's a huge -- it presents a huge
11 challenge to think about a sanctuary of that scale.

12 But anyway, our goal is really to -- to go out
13 to the public and gather input to assess the best
14 way to meet the Governor's goals. If it's -- that
15 sanctuary is not the appropriate thing, what
16 would be a good alternative?

17 We're trying to identify key issues
18 to address in the designation process for future
19 management planning, and we're to provide the
20 recommendations, as Jessica said, by the end
21 of -- the end of December.

22 The present status is that the

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1 Governor has asked us for a status report. We've
2 kind of had a start, stop, staggered approach
3 to getting, for example, public involvement off
4 the ground. We have very little money to
5 do -- very little funding and staffing support
6 to do this work, so it has kind of dragged on
7 slowly this year.

8 But that status report request is
9 really -- we've learned a lot. We've had a lot
10 of public comment at our regular OPAC meetings.

11 We've had -- we have done some research. We
12 have contracted with Oregon State to develop a
13 background report. So we have a lot of
14 information and feel like we can really come up
15 with some good findings and what the implications
16 of those findings are.

17 And then, the Governor has said that
18 he'll advise us as to what he wants our next steps
19 to be. So that's sort of a history of moving
20 from very issue-based marine resource management
21 to more of an area-based approach, which we're
22 heavily engaged in now.

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1 DR. HIXON: Thank you, Jim.

2 Okay. Our final speaker is Scott
3 McMullen. Scott is a long-time fisherman of the
4 Oregon coast, and is presently Chair of the Oregon
5 Fishermen's Cable Committee, which works out
6 arrangements between the trawl fleet and
7 telecommunications cables that are laid on the
8 sea floor. And he is presently Chair of the Oregon
9 Policy Advisory Council.

10 Scott?

11 MR. McMULLEN: Thank you. And I'd
12 just like to express my gratitude for getting
13 the opportunity to speak to this distinguished
14 body. I may be a little bit nervous this morning.

15

16 My background is quite a bit
17 different than Jessica and Jim's, and I didn't
18 have Mark as a professor.

19 (Laughter.)

20 PARTICIPANT: Probably the better for
21 it.

22 (Laughter.)

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1 PARTICIPANT: You beat us to the
2 punch.

3 (Laughter.)

4 MR. McMULLEN: But I'd like to give
5 you not OPAC's views or me as Chair, but just
6 me as an individual and maybe combined a little
7 bit with what testimony -- some of the testimony
8 that OPAC has heard from the fishing industry.
9 And so I'll maybe give you a little different
10 perspective.

11 Okay. Joe?

12 Okay. I wanted to tell you about a
13 place that I'm -- that I know of. Okay? The
14 surface sediment has been churned and churned
15 repeatedly. The native -- large native species
16 are all but gone, wiped out. The exploitation
17 has gone on unchecked for decades.

18 Sometimes this disturbance goes on
19 day and night, 24 hours a day. Diversity -- plant
20 life diversity is virtually non-existent.
21 Non-native plant species now dominate this area.
22 The top surface is the sediment that has been

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1 churned repeatedly and repeatedly. Native
2 species -- this was supposed to be a buffalo,
3 by the way.

4 (Laughter.)

5 I didn't have a buffalo.

6 PARTICIPANT: Most of us wouldn't
7 know the difference.

8 MR. McMULLEN: Non-native plant
9 species dominates the area. Disturbance goes
10 on day and night, and diversity is non-existent.

11 We call these farms, and our -- the Willamette
12 Valley, Kansas, Iowa, our country, the Great
13 Plains are full of these areas.

14 We have -- when we discuss the ocean,
15 I want you to consider that from the fishing
16 industry perspective there may be some changes
17 that go on because of commercial fishing. I
18 don't -- I don't dispute that. I think over time
19 the fishing industry has learned, and we've made
20 tremendous changes, modified our gear,
21 reduced -- we used to use very large rollers.
22 Now some of that gear has been restricted, and

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1 we're using much smaller, much lighter tending
2 gear.

3 To use the analogy of what we do
4 terrestrially, we aren't churning up the top one
5 foot of sediment. That is not happening. And
6 with the exception of maybe scallop fishing on
7 the east coast, it doesn't happen here anymore.

8 What I would like to have this group
9 consider is that oftentimes we -- we seem to get
10 this impression that any change is -- any human
11 cause change is destructive. And if we look back
12 to the analogy of farms, that's clearly not the
13 case. We as a nation value our farm industry,
14 our agriculture industry. We recognize that the
15 farms of Iowa, Kansas, Willamnet Valley all
16 produce a great deal of food for our country.

17 We had testimony at OPAC that
18 presented information that if the United States
19 were left in sort of the natural condition as
20 indigenous people had it, we would probably only
21 be able to support about one in ten of our
22 population. So if you look around the room, how

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1 few people would be here if -- if the nine people
2 alongside of you weren't in the room.

3 So I would like everyone to consider
4 that, yes, there may be human cause change, but
5 if, as in farms, the change produces a value and
6 a benefit to the nation, then maybe that's
7 something we shouldn't be quick to disallow.

8 I think it -- actually, exploitation
9 of our natural resources makes a good case to
10 set aside special areas and to set some areas
11 aside, like we do with national parks, that are
12 untouched and that are sort of somewhat pristine.

13 The reality is we do have some of those. We
14 have a lot of those areas off our coast.

15 Can I get the next slide, Joe?

16 We have an area off the west coast
17 called the Rock Fish Conservation Area. Okay?

18 This began in 2003. Okay? Extends from the
19 Canadian border to Mexico. It varies. It changes.

20 It changes widths from year to year and within
21 the year, but it's at all times a minimum of 100
22 fathoms of depth.

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1 There is -- one part of that area has
2 been completely closed since its inception,
3 never -- never been open to trawl fishing again.

4 Here is one example of it. This is the area
5 off Cape Flattery in 2003.

6 The fishing grounds in this area did
7 start at the Three Mile Line, which you see the
8 inside band of yellow. That's the Three Mile
9 state waters in Washington. So the fishing
10 grounds previously had began at the outside of
11 that thin Three Mile ribbon and extended out to
12 about 650 fathoms. This closure obviously closed
13 the bulk of that grounds.

14 Okay. Here is another example. This
15 is sort of an extreme example, when in
16 November/December the area from 250 fathoms to
17 the shore was all -- was completely closed. Okay?

18 Most of the time it's much smaller; it looks
19 like this.

20 This is 100 to 200 fathoms, varies
21 depending on the depth from one mile to 15 miles
22 wide. There's another example. This is off the

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1 Columbia River. This was a fairly recent
2 one -- version of it.

3 The green sort of dotted line on the
4 outside is sort of the end of the outside edge
5 of the fishing activity. So you see we have a
6 pretty significant amount of a marine protected
7 area that's stopping one type of fishing, trawl
8 fishing.

9 There is -- recently, the President
10 sent a memo to the United Nations, and I think
11 it had to do with destructive fishing. And while
12 he didn't say trawling was destructive fishing
13 in that memo, I understand that his press
14 secretary gave trawling as one of the examples
15 of this destructive fishing.

16 And in my work as Chairman of the
17 Oregon Fishermen's Cable Committee, we review
18 a lot of the video after we go to sea and observe
19 live a lot of the video from the remote operated
20 vehicles that are on the sea floor inspecting
21 submarine cables.

22 Most of the time the -- we are able

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1 to encourage the routing of these cables into
2 soft, muddy bottom, because it has the least
3 impact to the fishing industry. We want to seek
4 complete burial of the cables, so that there is
5 no interference and the fishing industry can
6 continue to operate.

7 Generally, it takes a -- sort of a
8 magnetometer type device to determine where the
9 cable is, because after the -- this plow -- and
10 the plow is far more invasive than our bottom
11 fish gear. But the plow digs a trench typically
12 one meter deep and about six to eight inches wide.

13 Often you cannot tell where that
14 cable track is without the use of a magnetometer,
15 because it's so healed up. The current has moved
16 sediment back and forth, and actually within days
17 you can't even find any trench whatsoever. There
18 are exceptions to this. There are trenches where
19 it's in clay and that trench stays visible for
20 a longer time.

21 But in the process of looking at these
22 videotapes, we have very little evidence of trawl

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1 fishing activity. We go through areas that are
2 soft, muddy bottom, which are the same bottom
3 that we conduct our trawl fisheries on. And you
4 try to find a trawl track, sometimes referred
5 to as trawl scars, it is very, very difficult.

6
7 We do see with the use of sonar
8 sometimes a change in the -- in the surface
9 topography, but it is so minor that when you
10 get -- you see it with the sonar, when you get
11 there with the video cameras you can't
12 even -- can't even see it.

13 So I guess I'd like to make the case
14 that I think that there's very little destruction
15 going on in the fisheries today, and the fishing
16 industry is vastly reduced from what it once was.

17 And maybe when you get out of these meetings,
18 if I could encourage you to take a drive down
19 the coast, the seat ahead is about 35 miles south
20 of here. Has a high viewpoint where you can see
21 a long ways. My guess is probably from that
22 viewpoint you probably can see 600 square miles

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1 of ocean if you have a good set of binoculars.

2 If you go there, go up to Otter Crest,
3 take your binoculars and count how many fishing
4 vessels you see. And I can just about guarantee
5 you if you see more than two you're going to
6 be -- you're going to be doing real well for seeing
7 the fleet.

8 We really don't have much of a fleet
9 anymore on this coast, and there isn't a lot of
10 pressure on our ground. So that's sort of a
11 fishing perspective. We aren't opposed -- I mean,
12 I think personally I'm not opposed to having some
13 reference areas, and I totally support the OPAC
14 process to set up some -- some test areas to see
15 the effectiveness.

16 But I guess in the fishing industry
17 we're not entirely convinced of what the problems
18 are that aren't already being addressed through
19 the traditional management regimes that are in
20 place.

21 DR. HIXON: Okay. Thank you, Scott.

22 Okay. We'd now like to open this up

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1 for actually about a half an hour of question
2 and discussion.

3 Now, because this meeting is being
4 recorded, we have to do this in a fairly organized
5 way. So I ask people to raise their hand first,
6 then when they're called on to state their name
7 for the recorder, nice and clearly, and then speak
8 loudly enough if you don't have a microphone so
9 that people can hear.

10 So, Gil?

11 MR. RADONSKI: Gil Radonski. I had
12 the opportunity to drive down Highway 101 prior
13 to coming to this meeting, went and saw beautiful
14 things that you talked about. And they -- they're
15 more beautiful than you can imagine. I think
16 Oregon has a real treasure in its coastal
17 environment.

18 One of the things that struck me is
19 as you were -- the two people, Jessica and -- I
20 didn't get your name.

21 MR. GOOD: Jim.

22 MR. RADONSKI: Jim? Jessica and Jim?

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1 Talked about things that they want to do in the
2 future. And one of the things that struck me
3 was the idea of boosting the economies of coastal
4 communities. This is sort of a catch 22 situation.

5 I mean, if we boost these economies, attract
6 more people, we're going to have -- there is more
7 and more need for greater protection.

8 And you look at these fragile
9 environments, and you really get caught. Do we
10 want to -- do we want to have more businesses?

11 We know we're going to have more people, because
12 I think you people have done an outstanding job
13 of public awareness and explaining what you're
14 looking at.

15 I drove into all the access sites that
16 I could, everywhere there was the Oregon State
17 Park designation. You do a great job of
18 interpretive work and really impressive. But
19 I am concerned with this idea of the more you
20 build up, the more we have a greater need for
21 protection.

22 And I have a comment on the commercial

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1 fishing side. I live in -- on the coast in North
2 Carolina.

3 MS. HAMILTON: That's where I'm from,
4 by the way.

5 MR. RADONSKI: Oh, great.

6 (Laughter.)

7 So you'll perhaps know the names of
8 some of these areas that I'm talking about. We
9 have a big fishing community called Parker's
10 Island, and it's -- it's the historic part of
11 North Carolina. This is where the
12 fleets -- fleets operate out of, and they are
13 more threatened now, not by the lack of fishery
14 resource, because many of the fisheries in North
15 Carolina are overfished, their threat is from
16 development.

17 They are sitting on very valuable
18 land, and we see more and more these fishermen
19 have literally hit the lottery. I mean, they
20 can go to sea and work their tails off and eek
21 out a living, or they can just sell their property
22 to developers and walk away with a million dollars

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1 in their pocket. I mean, it's getting to that
2 point. Small pieces of land on the ocean sell
3 for a million dollars commonly in North Carolina.

4 So we see a -- the coastal -- the
5 fishing communities on the coast disappearing
6 not so much from the fishery resource
7 exploitation but from the rising cost of land
8 values. And that's not a question; it's merely
9 an observation.

10 And thank you for your -- for
11 everybody's contribution. And I see that Mark
12 Hixon has his groupies here today.

13 (Laughter.)

14 Now, we appreciate everybody coming
15 and seeing what goes on with the MPA Advisory
16 Committee.

17 Thank you.

18 DR. HIXON: Thanks a lot, Gil.

19 (Laughter.)

20 One point of clarification. We're
21 first going to take questions from the Federal
22 Advisory Committee. And then, if there's time,

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1 we'll address questions from the audience at
2 large.

3 So, Mike?

4 DR. CRUICKSHANK: I'm Mike
5 Cruickshank. I had a question. I was confused
6 that -- last night we saw a wonderful movie
7 showing I thought it was rockfish we were looking
8 at. And then, this morning I hear that the
9 rockfish fisheries are mainly on soft bottoms.
10 Can you -- will you tell me, please, what the
11 actual environment of the rockfish is?

12 DR. HIXON: Go ahead, Scott.

13 MR. McMULLEN: Yes, the rockfish is
14 primarily found on a rocky environment. And there
15 is very little fishing on that. Now, there is
16 a number of reasons. One, there was determination
17 that some species were overfished, and the term
18 "overfished" is sort of misleading, because you
19 can actually have a species that's overfished
20 without any fishing on it whatsoever.

21 "Overfished" definition has to do
22 with the status of the stock. So even in cases

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1 where you have a natural low point in a stock
2 cycle you can have a classification of overfished.

3 But certainly fishing pressure has impacted some
4 of those.

5 We had, for example, as was mentioned
6 the foreign fleets that were fishing off our coast
7 hit the Pacific Ocean perch stocks very, very
8 hard in the '60s. And those stocks are still
9 in the rebuilding plan, and it's going to take
10 a long time, according to our scientists.

11 So in order to protect some of those
12 stocks, even though many were still considered
13 healthy, the habitat in which the rockfish lived
14 was closed. We did a number of things through
15 our traditional management. One is we reduced
16 the quantity of rockfish that could be landed.

17 There's trip limits, and in most cases the
18 rockfish are down to sort of incidental or zero
19 take levels.

20 Secondly, we made this rockfish
21 conservation zone, which is a band that rockfish
22 typically live in, and it's closed to all trawling.

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1 So depending on the time of year and the species
2 that are concerned -- that we have concerns about,
3 we adjust those lines to allow prosecution of
4 some stocks, if we believe that we can do that
5 in a safe way without affecting stocks that are
6 still in a rebuilding.

7 There's a third thing, and I'm trying
8 to think what it is, but what we -- we have a
9 very reduced limit on what we can bring in. We
10 have closures to protect that, and simply we
11 aren't fishing rockfish as a targeted fishery,
12 except some stocks midwater fish, but primarily
13 the bulk of the trawl activity is all on smooth,
14 soft bottom.

15 DR. HIXON: Thank you. Also, if you
16 have questions for particular panel members, make
17 that -- make that clear.

18 Tony?

19 DR. CHATWIN: Thank you. Anthony
20 Chatwin. Thanks for the three presentations.
21 I found them really interesting, and I have just
22 a couple of questions. One is in relation to

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1 the research reserves.

2 Well, I guess it -- wasn't it being
3 designated, or they were in the process of being
4 designated? The question is whether they have
5 or not. And then, an associated issues, which
6 is very important to us here is, if they have
7 been designated, what is the duration that they
8 are being designated for?

9 DR. HIXON: Jim?

10 MR. GOOD: They haven't been
11 designated yet, and I -- I expect that it will
12 be a several-year process to do so. And we are
13 thinking of these as probably -- Scott, you may
14 be able to answer this better, or Frank. The
15 Chair of our Marine Reserves Working Group is
16 here, too. I don't -- I don't see him right now,
17 but --

18 PARTICIPANT: He's right here.

19 MR. GOOD: Oh, he's in the back. But
20 we're -- I've heard figures like, you know, 20
21 years maybe, 25 years, to set these things aside
22 to allow for long-term ecological research to

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1 see how they work. But, again, they're tests,
2 and if they don't work maybe they'll go away.
3 If they are everything that we would hope they
4 would be, maybe we'll have more. I don't know.

5 That's for another generation to consider I
6 guess.

7 But that's where we stand. We're just
8 beginning the implementation of the marine
9 reserve process. We don't even have a detailed
10 process together yet, or a budget. Budget is
11 a big thing. We're not going to do this without
12 any resources. We're certainly not going to do
13 it well without any resources, and we don't have
14 any resources presently.

15 No state agency has marine reserve
16 planning in their budget, for example, and we'd
17 like to see that change, but that's sort of where
18 we are. So we're in the very beginning stages.

19 DR. CHATWIN: Can I just follow up
20 on that? And the reason I ask this is because
21 in the development of this national system of
22 marine protected areas we're looking at criteria

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1 and definitions that would determine whether or
2 not a site would be eligible to be included in
3 the national system of marine protected areas,
4 of course depending on the will of the agency
5 or the authority that's -- whether they're
6 interested or not in becoming part of the system.

7 But in it -- in the framework which
8 is now out for public comment, there is a
9 definition of -- that sites have to -- in their
10 implementation they have to have -- to be creative,
11 with the intent of being permanent. And so in
12 that case, if there is -- in my interpretation,
13 if there's a limited term to these research
14 reserves, they may not be eligible for inclusion,
15 which means that any benefits that the national
16 system may bring wouldn't be eligible for
17 research.

18 And some of the benefits -- these
19 all -- we all brainstormed about this, that some
20 of the benefits could be more capacity for
21 research and monitoring, which is the objective.
22

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1 So I would just encourage you and this
2 Commission to, during the public comment period,
3 look at that, look at the interests of research
4 reserves, because I think they're very important
5 tools for all of the interested groups to increase
6 their understanding and acceptance or not of
7 these -- of protected areas as a tool for ocean
8 management.

9 But I'm just concerned that, from
10 what I have heard here, one of the steps that
11 you are contemplating might not be eligible for
12 this national system, and that's a concern to
13 me. So I would encourage you to look at this
14 and use the public comment process to make your
15 use of it.

16 MR. GOOD: Yes. The principal benefit
17 we would see of being in the national system
18 presumably is if there were money available in
19 the national system to do the research. There
20 are other pots of money as well, and -- or other
21 non-pots of money, too. We don't find a lot of
22 money floating around for planning or

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1 implementation of these things.

2 We will likely not implement the
3 research reserves until a research plan is in
4 place and funding for long-term monitoring
5 established. And so we're -- we're concerned
6 about putting something in place and then having
7 no work be done there. And we don't want to -- we
8 don't want to do that.

9 So we also plan I think -- Scott and
10 I and others have talked about taking on a review
11 of the framework plan, and we'll learn a lot in
12 doing that, taking a -- looking at that as an
13 Ocean Policy Council and providing some comments
14 to you all. So maybe we'll comment that there
15 needs to be a little more flexibility.

16 MS. HAMILTON: Yes. Actually,
17 we -- Jessica from the Governor's office. We
18 had had a conference call with Jim and Scott and
19 Mike Carrier, my boss, a couple of weeks ago,
20 and that was one of the requests that we were
21 going to bring to OPAC is asking for their
22 assistance with the Governor's comments on your

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1 framework. So just to let you know that we
2 are -- we all have our eyes on it, but we did
3 not talk about it during yesterday's OPAC
4 meeting.

5 So any feedback from you guys on what
6 you'd like to have the Governor focus on, I think
7 it could certainly be a two-way street before
8 we just send you our comments.

9 DR. HIXON: Okay. I've got a list.
10 I've got George, Jim, John, Bob, Max, Steve,
11 and Brian.

12 (Laughter.)

13 George?

14 MR. LAPOINTE: First, I want to thank
15 the speakers as well. My name is George Lapointe.

16 The first is a comment on budget. I work in
17 the State of Maine, and our New England Governors
18 are trying to do similar things.

19 And it strikes me that if we got all
20 38 coastal governors together we could -- one
21 of the Ocean Commission recommendations was that
22 I think we double funding for ocean stuff. And

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1 we're all desperately competitive for the current
2 pot of funding, which makes it hard to work
3 together.

4 So I want to talk to Jessica about
5 trying to become -- get more coordinated in terms
6 of getting the funding we all know we need for
7 all kinds of ocean management, including ocean
8 reserves.

9 I want to follow up with Tony's
10 comment on the length of the reserves. I think
11 we need to be honest that these need to be closed
12 for along time. You know, just if -- this is
13 Mark's purview more than mine, but if we've had
14 areas that have been impacted -- and this -- again,
15 this is an east coast example. For hundreds of
16 years we made -- you know, I mean, we're going
17 to talk about closing in terms of permanence,
18 and we need to be honest with the public about
19 that.

20 And then, the last is a question for
21 Scott. You've got this -- this rockfish closed
22 area, which is long and narrow. And, again, in

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1 our east coast experience the issue of
2 enforcement and effectiveness is a question.
3 How is that enforced so that you know that this
4 tiny little ribbon -- and it looks tiny on the
5 map, and I suspect it looks huge when it's on
6 your platter on the water, but how is that
7 enforced so that, in fact, you get effectiveness
8 of the management objectives?

9 MR. McMULLEN: Yes. It was first -- it
10 was first enforced by simply giving fishermen
11 the coordinates and telling them that if you're
12 caught you're going to be cited.

13 And the Coast Guard flew helicopters
14 and planes over, and they made a couple -- they
15 found a couple cases where a fisherman -- for
16 example, the line might be 250 fathoms, and we
17 had a fisherman who was caught because he was
18 towing in what he thought was outside of 250
19 fathoms, but it was actually a line that
20 approximates the 250 fathom line, and the line
21 was the boundary, not the depth.

22 But now -- so anyway, in my mind it

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1 was quite effective enforcement. Now we have
2 a vessel monitoring system, a VMS box on the
3 vessel, that sends a GPS position to a satellite
4 which is sent on to National Marine Fisheries
5 Service. So there is I think virtually
6 100 percent compliance.

7 Occasionally, a fisherman will drift
8 into the area while he's picking up, something
9 like that, but very -- very little impact into
10 the zone.

11 MR. LAPOINTE: Thank you.

12 DR. HIXON: Okay. Jim?

13 DR. RAY: Yes, Jim Ray. I was glad
14 to hear your comments about the need for adequate
15 funding. I was looking at your proposal, you
16 know, potentially trying to set up a national
17 marine sanctuary encompassing the entire coast.

18 This committee for the last couple
19 of years, as we've talked about marine protected
20 areas, one of the common themes that has come
21 up time and time again is that if you don't have
22 adequate funding, you can't carry out the mandate

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1 of a protected area or a sanctuary.

2 The National Marine Sanctuaries
3 Program is a classic example of that. If you
4 take a look at the mandates of research protection
5 or enforcement education, if you have an area
6 of 21,000 square miles, my first question is:
7 have you calculated what it would cost to actually
8 have an area there and carry out its mandate?

9 And the other thing is, is that with
10 a National Marine Sanctuaries Program that is
11 already extremely tight and strapped with what
12 they have got, would you make an area of 21,000
13 square miles when you may be able to make half
14 a dozen or more areas of smaller sizes, and maybe
15 protect more sensitive areas throughout the
16 country?

17 So I think you have a very hard time
18 competing for money with a proposal of that size.
19 I would hope as you go forward with your plans
20 that the cost estimates of what that might really
21 cost are on the table, because I think that's
22 a very important part. If you don't have adequate

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1 funding, it really never will achieve what you
2 would hope it would achieve.

3 MS. HAMILTON: Thank you. We are
4 constantly reminded of that by our OPAC members.
5 And I do think that the Governor selected the
6 Oregon stewardship area as -- you know, the whole
7 area largely because he didn't want any section
8 to be left out. So that was part of the reason,
9 too, is there are so many special and remarkable
10 places along the coast to allow OPAC to evaluate
11 that entire area, so that they wouldn't leave
12 any sections out.

13 But you're right, that's one of the
14 factors that we'll take into consideration.

15 DR. HIXON: Okay. John?

16 DR. OGDEN: Thanks. Thanks very much
17 for your talks and for coming out. John Ogden.
18 I'm from Florida. And not surprising, I'm sure,
19 to you I'm struck by the -- by the similarities
20 of the issues that the governments of these
21 coastal states are grappling with.

22 And we have a Florida Oceans and

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1 Coastal Council very similar to -- in concept
2 to your OPAC, bucking the political winds, in
3 some ways intended by the legislature and the
4 Governor to be a "go slow" committee as opposed
5 to a "get the job done" committee. But
6 nonetheless, we are working on the same issues.

7 We have a Gulf of Mexico alliance
8 similar to the recent signed tripartite
9 agreement.

10 MS. HAMILTON: You were first.

11 (Laughter.)

12 DR. OGDEN: That's right. I think,
13 basically, that's all we were, because there's
14 no substance behind it.

15 (Laughter.)

16 So the -- I guess my question is:
17 to what degree -- and it really falls on what
18 George just said. He stole my thunder, but he
19 was talking about funding. But I'm really talking
20 about political will and leverage. To what degree
21 can we get coastal states together?

22 To what degree can we communicate

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1 with the very earnest and well meaning and
2 right-thinking people who are in the Florida
3 government, like yourselves, who are grappling
4 with these issues? Can you get together and
5 essentially use that combined leverage to get
6 what you need to get these jobs done?

7 I was impressed by talking to Brian
8 Baird at the CWO conference, who is coming in
9 as the CSA Director, Coastal States
10 Association -- have I got that right?
11 Organization Director, and he is -- seems to me
12 to be the kind of guy who would take this on board
13 naturally.

14 So I guess my question is, if there
15 is a question in all of this, is to what degree
16 do you associate with other states and gain from
17 their experience? And do you think that we could
18 do something like George has suggested? But not
19 only the funding -- well, it is funding, but it's
20 also political will.

21 MS. HAMILTON: That's great. And we
22 all invite you back out here to Oregon in July

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1 '07 for the coastal zone meeting. And I do know
2 we're discussing having a panel where we have
3 representatives of all the different regional
4 groups discuss their plans. So that might be
5 one of the first steps, but maybe we could do
6 things before that.

7 And Brian Baird is definitely a key
8 actor in the West Coast Governor's Agreement on
9 Ocean Health. So to the extent we could have
10 something like the -- I know the Western
11 Governor's Association where the Governors get
12 together out here, I know there's a coastal caucus
13 for the Washington, D.C. members of Congress,
14 right? But so nothing exists in terms of coastal
15 governors as far as you know.

16 DR. OGDEN: Not as far as I know, and
17 I think it's a wide open field.

18 MS. HAMILTON: Right.

19 DR. OGDEN: It would be wonderful if
20 something like that could happen around Brian
21 Baird's chairmanship of the CW -- coast states
22 organization.

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1 MS. HAMILTON: That would be great.
2 And I'll be visiting my parents in Florida in
3 December, so maybe we can --

4 DR. OGDEN: Oh. Well, just give me
5 a call, and we'll show you around.

6 MS. HAMILTON: That's great.

7 DR. HIXON: Okay. Thank you. Okay.
8 Max, then Steve, then Brian. Max?

9 MR. PETERSON: First, thank you for
10 your --

11 DR. HIXON: I'm sorry. I left someone
12 out. Bob, you're in front of everybody else.

13 MR. ZALES: I'm Bob Zales. I've got
14 a question for all three of you. I'm from Florida,
15 too, in the panhandle, and I represent charter
16 fishermen across the country. I'm President of
17 a national association.

18 In this framework that we've done and
19 what's out -- well, the comment now, we've
20 suggested ways to become part of the national
21 MPA system. And one of the things that I've
22 struggled with from the day that I was appointed

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1 to this panel is, what is the benefit to get in
2 that system?

3 So from all three of you, I mean, I
4 heard in -- and the reason I ask this is because
5 I heard the thing about money, which is money
6 is always a big prize, that's not going to happen.

7 What is the incentive for you that you see, that
8 you would like to see, by being recognized as
9 being part of the national system?

10 MR. GOOD: Boy, I don't know.

11 (Laughter.)

12 I guess you tell me, because, you know,
13 at one level we get somewhat parochial about our
14 issues and problems and how we solve them, and,
15 you know, I'm not sure what the value would be,
16 other than maybe get -- getting together
17 periodically to share lessons learned and
18 experiences. There are already national meetings
19 that people go to to do that or groups like this.

20 I think funding is for research,
21 setting up regional monitoring programs much like
22 the national estuarian research reserve program

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1 has a national focused monitoring program, and
2 there are some monies, albeit not much, but there
3 are some monies provided for that.

4 So I think that's -- you know, that's
5 what we would be most interested in I think is
6 learning from others' experience and having
7 funding for monitoring, for research, etcetera.

8 MR. McMULLEN: Well, Bob, I don't -- I
9 have to admit I just don't know enough about it
10 to give a good answer. I don't know. I have
11 to -- I haven't read the draft framework yet,
12 and I'm not familiar enough with the national
13 program to be able to give a good answer. So,
14 sorry.

15 MS. HAMILTON: I think when you look
16 at the map of the west coast you see California
17 has many protections, you know, reserves, planned
18 reserves and sanctuaries. You look at Washington
19 and they have the national marine sanctuary.

20 Oregon is a little bit empty in the
21 sense of areas and state waters that have been
22 designated. So I think in a way being a part

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1 of the national network helps bring Oregon into
2 the national scene and gets us connected to what
3 all of the other states are doing.

4 DR. HIXON: Thank you. Now, Max
5 versus Steve, then Brian.

6 MR. PETERSON: First, I want to thank
7 you for an interesting presentation. I would
8 say the Oregon process is certainly deliberate.
9 There's nothing very hurried about this. It's
10 a real long process with a long set of research
11 ahead of time. I wonder if you can't learn
12 something from other areas, at least give you
13 some idea to at least establish a management
14 regime in some places and not just another 25
15 years of research. That would be one comment.

16 The second thing I would suggest is
17 that I noticed that one of the things you want
18 to do is to close up offshore oil and gas drilling.

19 There's only two places we don't want to drill
20 for oil nowadays, and one's onshore and the other
21 is offshore.

22 (Laughter.)

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1 But we want to become energy
2 independent. The Gulf States' offshore are
3 saying, "We're kind of tired of producing all
4 this oil to send to California and other high
5 energy-using states."

6 MS. HAMILTON: They really say that?

7 MR. PETERSON: They really say that.

8 So the question is: if you're going to go to
9 the national level and ask them for money, is
10 there any federal regimen going to come in from
11 what you're going to do out here? Because OMB
12 is asking, what are the costs, what are the
13 benefits to the national treasury to do this?
14 Unless you can show a positive cashflow, you're
15 unlikely to get money for a new program.

16 MS. HAMILTON: Right.

17 MR. PETERSON: It's just that's the
18 world today, because they're looking for programs
19 to -- to zero out, not programs to add. That's
20 the reality, of course. But anyway, I applaud
21 you for the work you're doing. Thank you.

22 MR. GOOD: Can I make a comment?

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1 MS. HAMILTON: Yes.

2 MR. GOOD: Well, we're
3 actually -- another working group that OPAC has
4 is the Wave Energy Working Group. So we're going
5 to use our renewable wave resource, which
6 averages about -- you know, I think the
7 significant wave height over the whole year is
8 about three meters. You wouldn't believe it,
9 looking today, but, you know, we sometimes have,
10 you know, I recollect one storm -- when the New
11 Carissa hit us, 45-foot waves just offshore.

12 So we have a lot of wave energy, and
13 so that's how we're going to send energy back
14 to Louisiana and --

15 (Laughter.)

16 But --

17 MR. PETERSON: We looked at the
18 adverse consequences of capturing that. There
19 have been some major studies done capturing wave
20 energy, and one of the big questions is you have
21 to develop substantial offshore infrastructure.

22 MR. GOOD: Yes, and we're working on

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1 that. In fact, that's moving ahead post haste
2 with several proposals and -- yes.

3 DR. HIXON: Okay. We're almost out
4 of time, so I've got three people right
5 now -- Steve, Brian, and Dennis -- if you could
6 please be quick.

7 DR. MURRAY: This is Steve Murray from
8 California. One thing that -- and thanks for
9 coming here today and sharing the information
10 with us.

11 One thing that strikes me is the
12 difference that you have in terms of the goals
13 that are driving your siting or implementation
14 of marine reserve process compared to virtually
15 every other process that I'm aware of. I'm a
16 veteran of three years as a science panel member
17 under the Channel Islands national marine
18 sanctuary process, and I think I have -- I'm in
19 my seventh year as a member of the science panel
20 that worked on the California Marine Life
21 Protection Act with a one-year sabbatical.

22 And all of those processes had goals

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1 that were directed at protecting and conserving
2 ecosystems or communities or, alternatively,
3 protecting sustainable resources. Yours -- your
4 goals seem to be a research-driven sort of goal
5 set for your process, which means that inside
6 that research-driven goal set you're going to
7 need to come up with specific kinds of biological
8 or natural resource or other features that you're
9 going to need to identify.

10 This will make this a very strongly
11 science-driven process, much more so than the
12 processes that I've been familiar with where
13 science was a guiding and advisory influence.
14 But if you're now talking about designing a test
15 set of reserves, you're going to have some very
16 strong constraints and limitations based upon
17 size/spacing that will necessarily be
18 science-driven.

19 So this will require a very strong
20 commitment to the science team, a very strong
21 science team, and, of course, you're well endowed
22 with some very respected scientists in Oregon

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1 who can play those roles.

2 I think that the other issue would
3 be the length of time that you're looking to give
4 your science-based results, because as Max
5 pointed out -- and you've already
6 indicated -- you're thinking in a 20-year
7 timeframe.

8 So if you look at the implementation
9 of this effort with a strong set of science-based
10 design placements, and you look at the outcome
11 when you eventually are able to assess whatever
12 goals -- resource goals you set forward, you're
13 probably 20 years downstream before you're ready
14 to prepare what we would call, then, would be
15 an effective implementation. And this really
16 is, because that's satisfactory.

17 And one more piece of this would be
18 whether or not you're planning for your reserve
19 system to be established as a network, which is
20 one of the things we talked about here in the
21 national system, because networking will mean
22 that -- a very strong science component to

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1 deciding how the -- between sites and sizes of
2 sites will need to play out.

3 And if you look at the models that
4 exist -- and probably the best one -- best two
5 I think are the Channel Islands and the Marine
6 Life Protection Act plans that have been
7 forwarded. Both of those efforts resulted in
8 attempts to network marine protected areas to
9 protect diversity of habitat types.

10 And if you look at those models you'll
11 see that -- you'll get some idea of the magnitude
12 of the placements that would need to go in along
13 the Oregon coast to achieve those kinds of
14 objectives. So I think these are things to
15 consider and consider very strongly as you move
16 forward. But thanks for sharing with us what
17 you have.

18 DR. HIXON: Okay. Very quickly, Brian
19 and Dennis.

20 DR. MELZIAN: Good morning. I'm Brian
21 Melzian, U.S. Environmental Protection Agency.

22 I have three very scientifically focused

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1 questions, which probably only need short answers,
2 at least for now.

3 Regarding the quest for non-point
4 source funding in the future, is that related
5 to the recent episodes of hypoxia off the Oregon
6 coast?

7 MS. HAMILTON: No, sir. It's
8 unrelated. Yes, and actually a lot of the
9 discussion about the dead zones off the coast
10 of Oregon, pollution was not necessarily a
11 factor.

12 DR. MELZIAN: Okay. That's the first
13 one. Second, EPA and NOAA have conducted some
14 deepwater surveys off the entire west coast
15 recently, including finding solitary shoals off
16 of the Oregon coast. Have any of those areas
17 been closed to trawling because of the potential
18 impacts? Do you think there are real impacts
19 to those shoals?

20 MR. McMULLEN: We have a large area
21 of -- Scott McMullen. We have an area from 700
22 fathoms out that has been closed to trawling

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1 permanently. So all deepwater areas from this
2 line that approximates the 700 fathom curve has
3 been closed permanently to all trawling activity
4 in perpetuity.

5 DR. MELZIAN: Thank you. And my third
6 question is regarding trawling on soft bottom
7 communities where we have epifauna critters that
8 live above. Have there been before and after
9 control studies looking at reference sites where
10 no trawling occurs versus sites where trawling
11 has occurred on those soft bottom communities?

12 MR. McMULLEN: Brian, I could
13 probably say the answer is no. I believe that
14 when trawling first began on the Oregon coast
15 decades ago that there was no baseline studies
16 done. So pretty much I think it's safe to say
17 all of the area that can be trawled has been
18 trawled. So --

19 DR. MELZIAN: Thank you.

20 DR. HIXON: Okay. And to finish up
21 very briefly, Dennis.

22 DR. HEINEMANN: Dennis Heinemann.

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1 I work in D.C. where you'd be surprised there's
2 a lot of trawling that goes on, and it's all for
3 one species of --

4 (Laughter.)

5 It's something we call the
6 scandalfish.

7 (Laughter.)

8 I noticed on one of the slides you
9 described the research reserves as supporting
10 research conservation objectives. And I'm
11 wondering how broadly you apply the resource.
12 Are you thinking primarily of exploited resources,
13 the fisheries resources? Or are you thinking
14 much broader than that, thinking about habitats
15 and ecosystems?

16 And the reason I ask this question
17 is that for research reserves, areas that are
18 closed to all extractive activity, are perhaps
19 one of the best tools you can use in some
20 situations if you simultaneously want to protect
21 habitats and ecosystems and possibly provide
22 fisheries benefits. But if you're solely focused

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1 on fisheries benefits, they are probably not the
2 best tool to use.

3 MR. GOOD: Actually, Goal 19,
4 Oregon's ocean resources goal, which is part of
5 its comprehensive land and water use planning
6 program and part of its coastal management
7 program, has specific language in there -- and
8 I can't recall all of it, but it -- it's really
9 much broader. I mean, it doesn't really single
10 out fisheries at all.

11 It talks about biodiversity
12 conservation. It talks about protecting critical
13 or marine habitat that's critical to the various
14 life stages of organisms and such. So it's
15 really -- it's as broad as probably anything that
16 you can come up with, and it's definitely not
17 fisheries centric.

18 So, and I would say that those goals
19 are the goals that a research program would be
20 designed around, because what the recommendation
21 was is to test how reserves are effective at
22 meeting those broad conservation goals. So that

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1 will be one of the drivers of the -- of a research
2 design to implement reserves.

3 DR. HIXON: Okay. Let's just thank
4 our panel.

5 (Applause.)

6 CHAIR BROMLEY: Thank you very much.

7 We'll take a short break, so that the next panel
8 can set up. Please try to be back in five or
9 six minutes.

10 (Whereupon, the proceedings in the foregoing
11 matter went off the record for a brief
12 recess.)

13 CHAIR BROMLEY: We do need to get
14 going. I'm going to ask Lauren to introduce the
15 panel, and then we'll get going.

16 MS. WENZEL: Thanks. At one of our
17 earlier meetings we had a presentation from the
18 Coastal States Organization about some of their
19 work on MPAs and MPA policies, and at that time
20 we had some feedback from some -- our tribal
21 member and a couple of others saying they would
22 be very interested in hearing more about what

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1 the tribes had to say about their own MPA policies
2 and conservation work that they've done.

3 And out here in the northwest the
4 tribes are very active partners in marine
5 management and have a lot of programs and
6 responsibilities in that area, and so we wanted
7 to make sure we had an opportunity to hear from
8 a couple of tribes about their perspectives and
9 work on marine management.

10 So we're very happy to have our own
11 Jim Woods, who is going to be talking to us about
12 the McKaw tribe, and also Dave Hatch from the
13 Confederate Tribes of Siletz with us. So we're
14 going to hear from both of them, and then after
15 they've both spoken we'll take questions.

16 Thanks.

17 MR. WOODS: Good. Thank you, Lauren.

18 Can everybody hear me?

19 My name is Jim Woods. I'm a member
20 of the Federal Advisory Committee here. I'm also
21 a McKaw tribal member and the policy advisor to
22 the McKaw Tribal Council, overseeing

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1 environmental and marine policy for the tribe.

2 First off, I'd like to
3 recognize -- and it's only appropriate for me
4 to recognize that we're on Siletz land here,
5 traditional land of the Siletz people, my
6 relatives. And so I'd like to just recognize
7 that first off.

8 I guess what I want to do is -- and
9 bear with me. I've been waiting for Toastmasters
10 to make it to the McKaw Reservation.

11 (Laughter.)

12 So I'm not much of a speaker, but I
13 want to start off by talking a little bit about
14 where I come from and my homeland in Washington
15 State. I live near Nehalem Bay on a very olympic
16 peninsula in the very northwest tip of Washington
17 State.

18 I live actually on McKaw Bay on the
19 Pacific side. This is my beach. This is like
20 my front yard. I live right along the beach in
21 a traditional McKaw village of Siletz. And I have
22 all five of our villages. That's the village

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1 where my family has been for thousands of years.

2 Just right down the beach there is
3 areas like this with the petroglyphs over 2,000
4 years old. There's a lot of culture, a lot of
5 history where I come from, and this is what it's
6 all about. The little girl in the middle, that's
7 Angelina, that's my daughter. I'm very fortunate
8 to have the position I have representing my tribe
9 and the native tribes of western Washington.

10 And this is what it's all about. It's
11 about -- it's about the kids, the children. It's
12 about paving the way and reassuring and
13 guaranteeing that our children can carry on what
14 our ancestors have given us.

15 The coast -- this is a shot I took
16 just shooting down the coast from where I live.

17 There's a lot of -- again, I can't stress enough
18 on the culture and the richness of the Olympic
19 Coast.

20 This is Tattoo Island, the lighthouse.

21 On the McKaw Reservation we have two islands,
22 and that's a shot I took a couple of years ago.

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1
2 There I am at the McKaw Museum. It
3 took 18 hours total to put that -- that skeleton
4 of the great whale up. Many of you know about
5 or heard of the McKaw Tribe as whalers. And that's
6 the actual whale from 1990, the whale hunt that
7 the McKaw did after 78 years I believe when we
8 resumed whaling.

9 It's part of our culture. It's part
10 of our treaty right. Back in 1913, or around
11 in that time period, the McKaw voluntarily ceased
12 whaling on our own to protect the species as they
13 were depleting by the Russian and Asian
14 commercial whaling depletion.

15 We are a governmental organization.
16 We have -- this is Ben Johnson, our Chairman.
17 We have a council of five councilmen. They are
18 elected officials. We have our own judicial
19 system. We have -- you know, just like any other
20 small government.

21 In Washington State, in general, for
22 the -- we have 28 federally recognized tribes.

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1 Usually in the custom areas -- in those areas
2 that are guaranteed in our treaties, those
3 are -- those are areas that historically we've
4 hunted and fished. Seventeen tribes in western
5 Washington have U&A that extends out into the
6 marine waters. It's guaranteed in our treaty
7 rights. There's four coastal tribes, along with
8 the McKaw -- or three others I should say -- that
9 have the Pacific Ocean marine waters in our
10 treaty.

11 The Stevens Treaties were -- back in
12 the mid-1850s. The McKaw Treaty, for example,
13 was in 1855. We had a stand-alone treaty. Many
14 of the northwest tribes where the government
15 bulked tribes together and had -- had a treaty
16 that would cover multi-tribes, well, the McKaw,
17 we had a stand-alone treaty.

18 And we're going to talk also about
19 the bold decision that reaffirmed our treaty
20 right to fish -- the tribe's co-management
21 authority, with the State of Washington, on fish
22 resources and habitat requirements. And here's

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1 a little idea of -- you can see -- of the various
2 tribes in Washington State.

3 Oh, yes, McKaw -- I'm all the way up
4 here, the very northwest tip.

5 With the tribes, our -- when we talk
6 about our concerns, when we talk about our
7 interests, when we talk about our U&A, we're
8 talking about not only the water and the fish,
9 our -- our concerns and our efforts in protecting
10 the environment reach far inland. There's the
11 Puget Sound area and the Pacific Ocean.

12 We believe that, you know, talking
13 with our elders they say that we've been here
14 since the first dawn, which has been a long, long
15 time. Some photos of -- some old McKaw photos.

16 As you can see, it's a real rich history of
17 fisheries.

18 In the mid-1800s, 1850s, the series
19 of the treaties were negotiated with the tribes
20 in the region in exchange for giving up most of
21 our land. Tribes reserved certain rights and
22 protected their way of life, and here's a quote.

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1 This is actual language in one of the treaties
2 about "Taking fish at usual and custom grounds
3 and stations is further secured to said Indians,
4 together with the privilege of hunting and
5 gathering roots and berries on open and unclaimed
6 lands." So that's the -- that's one treaty, which
7 is a good example.

8 In the decades that follow, the
9 promises of treaties were quickly broken, and
10 tribes were denied their treaty-reserved rights
11 by the State of Washington. It has been an ongoing
12 battle of maintaining these treaties.

13 I believe every treaty that we've
14 dealt with in the northwest has been broken at
15 one point or another, or infringed on.

16 The struggle for recognition of these
17 treaties climaxes in the fish wars. Back in the
18 '60s when I was growing up, I remember a number
19 of issues where, you know, grandpa would, you
20 know, wake up in the morning and say, "I'm going
21 to go out and get an elk," and the folks would
22 say, "No, grandpa, you can't go out and get an

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1 elk. We're not allowed." And he said, "Oh, no,
2 we have an agreement."

3 And they said, "No, we don't have an
4 agreement." "Yes, we have an agreement with the
5 white man." And he'd go out, and the next thing
6 we knew the local county sheriff was knocking
7 at the door and saying, "You've got to go get
8 grandpa. We have him in jail."

9 And he'd get out and the following
10 week he'd -- grandpa would go out again, go
11 hunting, and they'd get him again. And that went
12 on and on.

13 You know, as I started growing up in
14 the '60s, we realized that there was
15 something -- there was a document with the U.S.
16 Government called a treaty, and we came to realize
17 that, you know, grandpa was right.

18 In 1974, the federal court reaffirmed
19 the treaty-protected fishing rights. That was
20 the U.S. v. Washington. The Bolt decision,
21 famously known as, has been upheld by the U.S.
22 Supreme Court, establishing the tribes in western

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1 Washington as co-managers.

2 This ruling entitles the tribes to
3 50 percent of the harvestable salmon returning
4 to Washington waters, created the Northwest
5 Indian Fisheries Commission, which we have Fran
6 Wilshusen here to assist me. In conducting
7 orderly and biologically sound fisheries, the
8 Fisheries Commission really plays a beneficial
9 role with the western Washington tribes.

10 Okay. Well, in '74, the era of
11 conflict ends and a new era begins. The tribe's
12 crab and shellfish became increasingly important
13 to the tribal economies. Fish are important to
14 tribes, both culturally and economically.

15 We're recognized as salmon people in
16 many regards of the coastal tribes all along the
17 Washington and Oregon coast here. You can see
18 she is preparing some salmon to bake. That's
19 baked on the grill.

20 This is the traditional McKaw way
21 that we cook. We actually take the salmon and
22 clean it, and cut the backbone up and pull it

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1 out like a zipper and the meat just opens right
2 up. And we put it on sticks around the fire.
3 That's how we bake our salmon.

4 Like many of the tribes of the
5 northwest, we have customs with like the first
6 salmon of the year, in this case with the Kweli
7 Tribe, performing a traditional custom.

8 This is Ho River. This is a fisherman
9 fishing in the river. An old tribal member
10 harvesting razor clams. Unloading halibut. The
11 halibut is -- and I've got a little story to go
12 with this slide, but the halibut is a real
13 integral part of our fisheries, historically,
14 economically.

15 When we were negotiating with our
16 treaty back in 1855 with Governor Stevens, we
17 were -- our elders were, you know, at the table
18 knowing and understanding and realizing that they
19 were losing all this land, and they were being
20 consolidated onto a tribal reservation, a
21 reserve.

22 And it was said that one of the chiefs

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1 stated that, "You know, you take my land, but
2 don't take the ocean. Without halibut I'm a poor
3 man, spiritually and socially and economically."

4 Here's more recent court -- federal
5 court rulings upheld the treaty-reserved
6 shellfish harvest rights, further expanded the
7 role and responsibilities of the tribes as
8 natural resource managers. It's a big
9 responsibility when we're considered a resource
10 manager or a fishery manager of the resources.

11 There's quite a bit to it.

12 The habitat programs -- tribes
13 maintain comprehensive environmental protection
14 protections and watersheds throughout the state,
15 you know, to support the management of the
16 treaties -- treaty-reserved rights for these
17 resources.

18 You know, everything from water
19 quality programs to I'm even monitoring with -- we
20 have a monitoring program for air quality
21 monitoring the shipping traffic and the emissions
22 that come off the shipping traffic that enter

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1 the straight -- all the shipping traffic to
2 Seattle and Vancouver and Victoria and Port
3 Angeles that pass our villages annually.

4 We compiled emissions inventories.

5 We've documented emission sources that come
6 across the Pacific, heavy metals, mercury, that
7 may contaminate our soil and our waters, and thus
8 contaminate our fish. We look at a lot of science.

9 We're actually getting readings of
10 pesticides in the air that are coming across the
11 Pacific, pesticides that have been banned in this
12 country since 1978 and it's 2006 and we're still
13 picking up readings from other countries that
14 are -- that are impacting us.

15 Data collected by tribes shows how
16 many young salmon leave the streams, and used
17 by Northwest Indian Fisheries Commission to
18 create models projecting salmon returns. We look
19 at a number of different types of data collection
20 when we talk about salmon or halibut or black
21 cod.

22 We're doing -- we have a scientist

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1 in my department, Yung Ling Gao, that they're
2 doing actual otolith sampling. That's a small
3 earbone where they can actually cut these -- you
4 know, in a lab they could actually cut this small
5 earbone and read the rings and, you know,
6 determine habitat conditions, migratory
7 patterns.

8 They're looking at -- you know, we're
9 doing genetic sampling -- or genetic testing and
10 sampling where we could determine -- we take one
11 fish and we determine where we're impacting,
12 whether that's a Columbia River salmon or, you
13 know, from Puget Sound, or what have you. So
14 we do quite a bit of science.

15 Here's a photo of the training, doing
16 habitat assessment and stream surveys. You know,
17 we do flow modeling, and, you know, we look at
18 a number of different things to determine in some
19 of these rivers what is -- you know, the quality
20 of the water, what the abundance of the water
21 is to sustain the habitat, you know, if there
22 is any potential surplus of water that could be

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1 utilized for freshwater and drinking, proposed
2 framework for the MPAs.

3 Uncertainty of commitment or process
4 for accommodating appropriate roles, authorities
5 of tribal co-managers. We really need to look
6 at how the whole process is with western
7 Washington, for example, and our co-management
8 authorities. You know, we're always -- the tribes
9 are limited with staff and time.

10 Me, for example, I wear nine hats most
11 of the time. The complexity of individual tribal
12 governments from one government to the next is
13 another -- another issue. Not all tribes have
14 treaty rights. You know, there is -- different
15 tribes have different priorities.

16 The western Washington tribes, the
17 four coastal tribes, for example, really share
18 the same -- we see utilization of marine protected
19 areas as marine conservation management
20 strategies, the function and integration of
21 existing processes.

22 Through the Northwest Indian

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1 Fisheries Commission we have -- we have -- at
2 one point we have developed marine protected
3 areas policy, which Fran has copies of. We can
4 pass it around.

5 Okay. Here are some
6 suggestions -- incorporation of a tribal marine
7 protected area statement, guiding principles
8 within framework and detailing appropriate
9 interaction with tribal governments. I think
10 that's something that we really need to think
11 about and incorporate.

12 Identify all tribes affected by the
13 proposed framework, learn and incorporate tribal
14 treaty and co-management requirements into
15 protocols, activities, and products. Invoke
16 acknowledgement of federal trust
17 responsibility -- that's something that's very
18 key, and I think it's really important for
19 this -- for this group.

20 We're -- you know, we're a federal
21 entity, we're a federal advisory committee, and
22 I think every one of us around this table needs

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1 to clearly understand what trust responsibility
2 is, what the responsibilities of the United
3 States are to the sovereign tribal government.

4 And, further, maintain communication pathways.

5 You know, is this what we're passing
6 around? This is a marine protected areas policy
7 statement.

8 In conclusion, in the Pacific
9 Northwest, the Bolt case area tribes have
10 expansive usual and custom areas, and
11 corresponding management authorities.

12 Work to functionally incorporate
13 tribal treaty interests in any and all actions.

14 Here's another key point that I'd
15 like to make -- develop a
16 government-to-government protocol with the tribe,
17 including issues of historical and cultural
18 relevance. These resources -- you know, the
19 cultural resources as well as governance.

20 I think that's something that we need
21 to keep in mind working with the tribes, continue
22 to improve communication with all affected tribes,

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1 and not only am I talking about the coast of
2 Washington, I'm talking about, you know, the
3 entire west coast, the Great Lakes, the Florida
4 area, and the eastern tribes.

5 Recognizing engaged tribes as
6 committed stewards of the marine
7 environment -- remember, tribes have long
8 struggled with impact and compromise of their
9 treaty harvest opportunities. Some initiatives
10 aimed at marine protection also further erode
11 tribal treaty harvest opportunities.

12 To succeed, marine conservation
13 efforts must include tribes and work within the
14 context of their status as co-managers of the
15 fisheries resource.

16 There is Angelina again.

17 (Laughter.)

18 So I guess with that --

19 MS. WENZEL: Yes. Thank you very much,
20 Jim. We're going to move to the next presentation
21 and then we'll take questions.

22 MR. WOODS: Yes, okay.

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1 MR. HATCH: Again, my name is Dave
2 Hatch. I'm a former tribal council member. I've
3 served, oh, about eight years on council over
4 the last 25 years. And I had the good fortune
5 of not getting re-elected in February, so I got
6 my life back.

7 I'm a full-time engineer with the
8 city of Portland, and it has been real helpful
9 for me to kind of get things back in order in
10 my life by not trying to work two full-time jobs.

11 But that's typical of folks who are involved
12 in tribal activities. We really do wear nine
13 hats.

14 And the Tribal Chairman, Dee Pigsley,
15 had asked me to come here and represent the tribe,
16 so I am representing the Confederated Tribes of
17 Siletz. And I'm also representing myself, and
18 you will I think hear a diverse opinion on some
19 stuff today.

20 I want to go over history. The
21 history is important. We're still in Oregon
22 celebrating what we call the Louis and Clark

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1 Bicentennial. The inside joke, tribal folks they
2 refer to them as "Clueless and Lark."

3 (Laughter.)

4 We should celebrate Alexander
5 McKinsey. Anybody from Canada knows that. He
6 crossed Canada in 75 days, crossed 1,200 miles.
7 He -- of unexplained territory, but he used
8 Indian guides all the way through.

9 He went to today's town of Bella Cula,
10 and met up with some folks. He was actually given
11 a robe made out of two sea otter skins there.
12 And while he was there, George Vancouver's
13 mapping expedition was in today's town of Bella
14 Bella, and they roughed up the people and were
15 breaking into their houses and things like that.

16 And then, they left and then
17 McKinsey's guides went down to Bella Bella and
18 came back, quickly reported that a larger group
19 was on their way to shoot their arrows and hurl
20 their spears at us. So Alexander McKinsey packed
21 up his canoes wisely and headed back. He never
22 actually made it out into the open Pacific Ocean.

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1 But when they loaded up their canoes,
2 one of his crew members lighted a piece of tobacco
3 with a magnifying glass, and the locals were
4 impressed by that and traded one of their sea
5 otter skins for that magnifying glass. So he
6 came back with a robe and a skin, and those
7 articles ended up in this guy's hands.

8 So he was the President of the
9 American -- let's see. I'm sorry, I forgot the
10 name. Yes, American Philosophical Society at
11 the time. And he was very aware of the sea otter
12 trade. He was a very educated, very aware guy,
13 and he had actually tried three times prior to
14 the Lewis and Clark expedition to propel an
15 expedition across the United States, including
16 sending John Ledgerd backwards.

17 Ledgerd was supposed -- who he had
18 met in Europe. Ledgerd had sailed with Captain
19 Cooke, but Ledgerd was going to walk across Russia,
20 hop on a ship, one of the trading ships, and land
21 on the west coast, and then walk from the west
22 coast to the east coast.

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1 Well, when Jefferson became
2 President, he acquired McKinsey's journals,
3 he -- and knew all about how to get across. He
4 acquired Vancouver's maps. He had the
5 lower -- maps that included the lower 100 miles
6 of the Columbia River, and so this voyage of
7 discovery knew a lot about where they were going.

8 But in -- Jefferson was very
9 interested in acquiring as much Indian land as
10 he could, and he had run into issues acquiring
11 that land, and so you -- when you read his
12 January 18th letter to Congress, his secret
13 message to Congress, he talks about trying to
14 acquire that land and states that experience and
15 reflection will develop to the Indians, the
16 wisdom of exchanging what they can spare, and
17 we want for what we want -- for what we can spare
18 and they want.

19 He's trying to get the Indians
20 interested in farming. So I got a kick out of
21 Scott McMullen's comments earlier. I hope that
22 Scott McMullen will read some Wendall Barry.

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1 (Laughter.)

2 And trying to get the Indians to
3 basically change their way of living.

4 When he sent Lewis and Clark out there,
5 his letter to them stated that, "Should you reach
6 the Pacific Ocean, inform yourself of the
7 circumstances which may decide whether further
8 furs of these parts may not be collected as
9 advantageously as at Nipika Sound," which is
10 where the sea otter trade was going on.

11 Seven hundred fifty days after they
12 started, 10 times longer than McKinsey, this
13 government-sponsored expedition made it to the
14 west coast. On November 20, 1805, they came
15 across a Chinook Indian on the other side of the
16 river from Astoria, today's town of Astoria,
17 wearing a sea otter robe. The only thing he would
18 trade that sea otter robe for was Sacajawea's
19 belt that had blue beads on it, and that was the
20 first sea otter that they acquired.

21 They acquired a second robe in
22 today's town of Ridgefield near Vancouver,

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1 Washington, on their way back. But in Oregon
2 they were never able to afford any of the robes
3 or -- that they came across. But they were able
4 to acquire a couple of individual skins.

5 Those skins, in the early letters
6 back to Jefferson, Lewis and Clark say that
7 they're bringing these materials back, but they
8 never made it to Jefferson. They're just lost
9 in history.

10 When you read about -- after Lewis
11 took his life, the very first accounting of his
12 possessions included one finely dressed sea otter
13 skin, and every subsequent accounting of his
14 possessions does not include that sea otter skin.

15 Again, it disappeared.

16 Okay. After they left -- they left
17 in 1806, the Russians came through. The Russians
18 were working their way up and down the coast
19 because they had established Fort Ross in 1810.

20 There wasn't a lot of interaction with the Oregon
21 tribal folks. Most of the folks lived along the
22 estuaries. And up on the screen are the names

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1 of different tribal groups, and you recognize
2 as river names.

3 People lived along the estuaries,
4 like the Yaquina. I can take you out here and
5 show you why there's tribal fish -- tidal fish
6 weirs out here. And those fish weirs were the
7 primary source of food for the people. And
8 quoting from one of the -- from Andy Minor
9 Peterson, everybody could have all they wanted.

10 If more were wanted, there was more
11 of the same school or run of fish out in the river
12 or bay. The swarming waters were limitless in
13 their bounty, and that was all year long. That's
14 not just the salmon. Salmon, you know, are
15 important, but they're -- all fish were
16 important.

17 Okay. In 1844, James Polk was elected
18 President. He's the 5440 or fight president that
19 you guys remember from your history classes.
20 June of 1846, the British government agreed with
21 the United States government that this land
22 belonged to the United States.

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1 August of 1848, after the Whitman
2 Massacre, Congress remembered that it needed to
3 create a government for the new Oregon territory.

4 In 1850, Congress passed the Oregon Donation
5 Land Act, which opened western Oregon to
6 settlement. After that Act was passed, Congress
7 remembered that the land was occupied, so
8 Congress authorized Commissioners to negotiate
9 with the tribes.

10 The first treaty was negotiated by
11 Joel Palmer, September 10, 1853. That was the
12 Rogue River Treaty down in southern Oregon. That
13 was negotiated because the -- there was conflict
14 going on with the native people and the gold
15 miners in the area. And then, you can see
16 the -- and the map, different times, different
17 treaties.

18 Palmer works his way north. Some of
19 those treaties were ratified. The Rogue River
20 Treaty was ratified by Congress on April 12, 1854.

21 What happened is eventually all of the tribes
22 ended up where you are today, on the Oregon Coast

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1 Reservation, established in 1855 by Executive
2 Order by Franklin Pierce.

3 Right after it was established,
4 the -- for the coast Willapa and Umpqua tribes,
5 it became the policy of the government to relocate
6 the treaty tribes of the Rogue Valley tribes to
7 the coast reservation. So there are treaties
8 associated with this reservation.

9 And then, there's a small map at the
10 bottom to give you a perspective of what -- how
11 much of Oregon -- they have about a third of the
12 Oregon coast, about 20 miles wide.

13 Okay. This land right here, right
14 in here. So that's about two miles north, and
15 a few miles east of here, that's where our tribal
16 government is.

17 Andrew Johnson, on December 21, 1865,
18 upon the request of whites to open the Yaquina
19 estuary for exploitation of native oysters. Just
20 signed an Executive Order opening up 200,000
21 acres. The Superintendent of Indian
22 Affairs -- you can look at his diary -- he wrote,

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1 "The tract is thrown open to settlement. The
2 whites rushed in upon the tract, seizing -- seized
3 upon the Indian farms, occupied their houses,
4 in several instances ejecting the Indians who
5 had built the houses by force, and immediately
6 commenced settlement of the country."

7 In 1975, after we had lost that middle
8 quarter of our reservation, Congress was
9 petitioned by the Oregon legislature to open up
10 the northern quarter and the southern quarter
11 of the reservation, and Congress passed an act
12 stating that the Indians shall not be removed
13 from their present reservation without their
14 consent previously had.

15 And then, again, reading from the
16 Superintendent of Indian Affairs' journals, in
17 1875, the Tillamook and Kanasi (phonetic) bands
18 were forcibly removed with no prior consent
19 during the heavy winter rains, and left without
20 shelter of any kind, and destitute of food and
21 clothing for themselves, and their family
22 suffering from heavy rain and windstorms. Those

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1 of you from along the Washington coast are
2 familiar with that type of weather we've got here.

3 In 1892, we had that last one quarter
4 of our reservation, and four-fifths of that was
5 removed by a process called allotment. Five
6 hundred fifty-one tribal members were given 80
7 acres with the promise that other -- other members
8 in the future would also have access to land,
9 but they were never given that access.

10 And they were -- that was supposed
11 to be upon the consent of the tribe. The consensus
12 of the tribe was never received.

13 Okay. Again, right here, in 1906,
14 Joe Priest and Frank Biggs killed the last native
15 sea otter on the Oregon coast, 100 years ago,
16 and 100 years after Lewis and Clark left.

17 In 1910, there were less than 30 sea
18 otters killed in the Pacific. In 1910, an orphan
19 from the Aleut people up in Alaska was sent to
20 the Chemawa Indian school. That's my grandfather,
21 Nick Hatch.

22 In 1910, there's a census of the

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1 people along the Satsop River south of here.
2 There were nine surviving Satsop people. Prior
3 to that, about 2,500 people were estimated to
4 be living along the river.

5 In 1914, two of those adults died,
6 and my grandmother, Hattie Martin, was left an
7 orphan. And so as a -- I think she was 11 years
8 old. She went to Chemawa Indian school and met
9 my grandfather. So what we see is that the tribal
10 populations are pretty much following the same
11 pattern that the sea otter was following.

12 There were two major runs of disease
13 that came through here, and each one of them wiped
14 out about 90 percent of the population. So the
15 population was very much decimated when Lewis
16 and Clark were out here, and then -- and
17 subsequent to that there was another round of
18 disease that came through.

19 In 1911, the census estimated that
20 there were between 500 and 1,000 surviving sea
21 otter in 13 small colonies, and so the sea otter
22 were included in the 1911 fur seal treaty as an

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1 afterthought.

2 In 1912, the federal Department of
3 Agriculture came through and mapped all the kelp
4 beds from California all the way up to Alaska
5 for potential exploitations for pot ash. We're
6 right here in Aquinnah Bay, and there were large
7 kelp beds all along from here to Aquinnah Head,
8 the lighthouse, and then north of there.

9 Here's a posed photo of the 1920s,
10 looking for sea otter. The last one was killed
11 in 1906. By this time, most of the tribal members
12 had lost their allotted lands because they
13 couldn't pay the taxes. We were kicked off the
14 rivers. My Dad used to run gill nets on the river,
15 and he was running them at night with padded
16 oarlocks, but then couldn't do that anymore.
17 And we were also kicked off of our fish weirs
18 by being translocated from different parts of
19 Oregon up to the coast reservation.

20 Then, the final blow came back when
21 the stars lined up. We had a Republican President
22 and a Republican Congress and a Republican Senate,

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1 kind of like today. And August 13, 1954, the
2 Federal Government determined that the
3 Confederated Tribes of Siletz Indians no longer
4 existed. All western Oregon tribes were
5 terminated, and that was the Federal Government's
6 way of dealing with the Indian problem in Oregon.

7 In the 1970s, we blew up parts of
8 Chick Island and the sea otter there. And the
9 sea otter were protected, so they were
10 translocated down to the Oregon coast, Washington,
11 and Vancouver Island.

12 In 1977, the Confederated Tribes of
13 Siletz Indians was the second tribe in the United
14 States that was restored, the second terminated
15 tribe that was restored. Today we're about 4,300
16 people.

17 Those three populations of sea otter
18 that were restored -- Vancouver Island, that
19 population is about 3,000 animals, plus in
20 Washington, in 2004, I believe there were 743
21 animals, and then there's -- there has been
22 sighting of one animal, and we need to talk to

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1 Roy. Maybe there's more sightings. But in Oregon,
2 the translocation of sea otter to Oregon did not
3 work.

4 We know that the sea otter are
5 critical. We believe that if they can restore
6 an effective predator for the macro algae that
7 we will get the macro algae back and we can -- if
8 we get the macro algae back, we'll get a healthy
9 salmon population again.

10 The salmon come out of our estuaries,
11 the Macaw people know the salmon come out, and
12 they are -- they go out and they hide in the kelp
13 beds. And then, when they're -- when they feed
14 in the kelp beds, then when they come back as
15 large fish, again, they hide in the kelp beds
16 from their predators as large fish.

17 Dr. Jane Watson at the Vancouver
18 Island, professor at Malaspina University, does
19 research in the summer. She is a full-time
20 teaching professor. She doesn't get to publish
21 her research, but she has watched areas where
22 the sea otter come back. And after the macro

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1 algae have come back, she has measured a five-fold
2 increase in the density of fish after the urchin
3 barrens are replaced with macro algae.

4 We know that the macro algae
5 populations can come back. The beds were measured
6 by Oregon Department of Fish and Wildlife from
7 1996 to 1999, and a tremendous comeback of the
8 kelp was demonstrated, but the cause was not
9 demonstrated. They were not able to associate
10 their findings with the urchin populations, but
11 the fishermen were hammering the urchin
12 populations at that location at that time and
13 prior to that.

14 So we think that restoring the near
15 shore ecosystems will be the key to restoring
16 our estuary fisheries. Again, quoting from Melba
17 Jacobs, "I finally learned that the men made
18 prodigious hauls when one run or another fish
19 came in. Then, everybody went and got all he
20 or she needed. The go help yourself, free for
21 all, that was actually the largest single source
22 for the larger" -- he didn't realize that. He

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1 thought that the -- he was out here in the '30s,
2 and people weren't actively using the fish weirs.

3 But the the fishweir, and down on the
4 Coquille River -- and the Coquille Tribe is doing
5 research on that fishweir -- the other -- the
6 one in black and white is the one that was used
7 by my great-grandfather. It's on the north fork
8 of the Syosta River, and just upstream of there
9 is where all of my family is buried. But that
10 fishweir includes mill bumper, which was
11 available at the time my great-grandfather was
12 there. So I'm confident that he was using that
13 one.

14 The Confederate Tribes of Siletz has
15 joined efforts -- joining in efforts with the
16 group that we formed called the Alotka Alliance,
17 which includes Oregon Coast Aquarium, Eco-Marine
18 Science Center, Oregon State University,
19 Portland State University, Oregon Institute of
20 Marine Biology, Siletz Tribe, Coquille Tribe,
21 and we're all supporting efforts to try to restore
22 the sea otter and the near shore ecosystems on

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1 the Oregon coast.

2 We published letters in our tribal
3 newspapers that have been picked up by local
4 newspapers. One exciting project we did was we
5 extracted -- we took the sea otter bones that
6 we find in our middens, they're the second most
7 common marine mammal bone in middens up and down
8 the Oregon coast.

9 We extracted the DNA and figured out
10 that the efforts to bring the northern subspecies
11 down to Oregon was a mistake, that the appropriate
12 subspecies to bring to Oregon we believe is the
13 southern sea otter, which folks know is a listed
14 threatened species. So what we've got to do is
15 figure out a way to effectively do that, and we
16 hope to do that.

17 We prepared and taught a curriculum
18 on sea otter and the Oregon coast. That went
19 really well. And we haven't published that yet;
20 we're short of money, short of time.

21 We proposed, prior to the Governor's
22 efforts, the creation of what we call the White

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1 Cedar National Marine Sanctuary, specifically
2 for the purpose of restoring near shore macro
3 algae. And our proposal was that would run from
4 the south jetty of the Umpqua River down to the
5 Rogue Reef. We think that this is an area where
6 the -- we could successfully begin restoring the
7 algae populations and trying to restore the
8 ecosystems associated with those.

9 So we hope that 100 years after Lewis
10 and Clark -- we know that 100 years after Lewis
11 and Clark left the last sea otter was killed in
12 Oregon. One hundred years later, roughly, there
13 was a sea otter sighting down in Cape Arago.
14 Some of you who are familiar with the sea otter
15 can recognize that as a sea otter. His paws are
16 up in the -- are pointed up. Red otter don't
17 do that when they go out in the ocean.

18 But anyhow, the whole purpose of this
19 is so that I hope that my grandson or
20 great-grandson will be able to do what my
21 great-grandfather did, and we'll be able to go
22 out on our estuaries and harvest in a sustainable

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1 manner the tidal fish weirs, the fish come in,
2 trapped in a pool of water behind the stakes,
3 you go down and you take what you need, don't
4 take any more than that, and the tide comes in
5 and those fish are on their way to do what they
6 are supposed to do.

7 So we really do hope that the tribes
8 of the -- in Oregon will be able to work with
9 the State of Oregon. The State of Oregon has
10 a horrible racist history, and it's -- it's one
11 of those little known things, but we're trying
12 real hard to cooperate with the state.

13 We've had a lot of problems with the
14 state. And one of the questions earlier was:
15 what is the advantage of involving the Federal
16 Government in a state process? Well, our
17 experience as a tribe has been that the Federal
18 Government really can't help us where the state
19 is trying to hurt us.

20 So I think the same may be true for
21 the marine protected areas. It's the -- my
22 experience, I actually sat on the Ocean Policy

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1 Advisory Council for a couple of years, and never
2 really had a chance to voice what I voiced with
3 you today. And if you look at kind of the
4 stumbling that we were talking about on the Oregon
5 Policy Advisory Council, they really are
6 following one of my Murphy's laws. "If you don't
7 want to do something, any excuse will do."

8 So it's -- I don't believe that's,
9 at this point, a very effective group. And I
10 hope that changes over time. Diverse opinion.
11 Thank you.

12 CHAIR BROMLEY: Thank you very much.
13 Dave and Jim, where are you? Jim?

14 We have some time. We'll take some
15 time for questions, if there are any. Comments?
16 So let's -- let's hear from people. Yes, Mike?

17 DR. CRUICKSHANK: (Inaudible comment
18 from an unmiked location.)

19 CHAIR BROMLEY: Dennis, and then I
20 have Gil and Bob Zales.

21 DR. HEINEMANN: Thank you very much
22 for sharing your history with us and educating

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1 us through the shared history we have that we
2 can all learn from. I'm just curious to know
3 whether the native tribes of the northwest had
4 a history of -- in their culture of protecting
5 the areas in the manner that we think about marine
6 protected areas, or, you know, that occur in some
7 other native cultures around the world, such as
8 the Polynesians.

9 MR. HATCH: The easy example is the
10 sea otter. There weren't that many sea otter
11 up and down the Oregon coast, and yet we coexisted
12 with them for thousands and thousands of years.

13 And the -- only the headmen wore the sea otter
14 robes. And the hunt of the -- you know, was
15 managed. Only select people got to -- got to
16 wear the robes, and we knew better than to go
17 out and take them off. I honestly believe that
18 our elders knew how to manage the ecosystem.

19 The seals that went up river were fair
20 game. We knew that they were the ones that were
21 hammering the salmon that went upriver. So we
22 don't have -- we didn't have the problem of the

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1 conflict that we have today with the seals and
2 sea lions upriver, the salmon populations.

3 The most common marine mammal bone
4 in different parts of Oregon related to the seal
5 or the sea lion -- they were effectively harvested.

6 You know, I agree with Scott's comments that
7 man does need to be involved in the management
8 of marine protected areas.

9 MR. WOODS: If I could just make a
10 point here. I know I talked in my presentation
11 about some of the lengths that we strive and the
12 efforts that we make in managing today's
13 fisheries with the tribes. Well,
14 that's -- throughout our history, as stewards
15 and managers of our resource, we've -- like you've
16 mentioned, you know, you only take what you need.

17 And that's been a philosophy, you know,
18 throughout time with the tribes in the northwest.

19 I know that, you know, there is many
20 different instances in our culture where, you
21 know, we've worked with, you know, or worked on
22 the rivers as far as the migratory patterns, you

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1 know, only taking, you know, a certain amount
2 of those stocks. But that's just -- it's part
3 of the whole culture and keeping in balance.

4 The Macaw believe that we're part
5 of -- part of this food chain. You know, we don't
6 look at the food chain from a distance. We're
7 within that food chain.

8 CHAIR BROMLEY: Thank you. Gil? Gil
9 Radonski?

10 MR. RADONSKI: Thank you for a great
11 presentation and sharing your history with us.
12 It's an honor to hear it.

13 And my question is for Jim, and first
14 a comment. Jim, you don't need Toastmasters.

15 (Laughter.)

16 Your presentation was very effective,
17 especially the parts where you didn't even speak
18 and just showed series of pictures. I thought
19 it was very dramatic. So thank you.

20 MR. WOODS: Thank you.

21 MR. RADONSKI: My question is, as
22 co-managers of the resource, do you subscribe

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1 to the premise that we have for marine protected
2 areas concerning natural heritage, cultural
3 heritage, and sustainable production? Is that
4 part of your thought process as co-managers
5 for -- as we proceed with this MPA effort?

6 MR. WOODS: Well, I haven't
7 been -- really been able to wrap myself around
8 some of the language used. And I know that it's
9 a direction that I'm going to work towards. When
10 we look at these different definitions -- I know
11 I've talked to Joel about this -- what's the
12 cultural definition, you know, cultural and
13 historic definitions that are identified, you
14 know, in this realm thus far with shipwrecks or,
15 you know, historic sites.

16 Well, I believe that it goes further
17 than that, and, you know, when we -- when we think
18 of cultural or historic, think of us, and our
19 cultures and our people and where we've derived
20 from as stewards and managers.

21 MR. RADONSKI: I agree with that.
22 I think that your visions of cultural heritage,

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1 which you made very clear, probably go to a much
2 greater depth than what we commonly think of
3 cultural heritage. And I think the explanation
4 of the stewardship responsibilities of the
5 Indians through history, the tribal leaders,
6 etcetera, not taking more than they needed, I
7 think that is the nexus of sustainable
8 production.

9 So I think, just from reading it in
10 our -- the way we have it on paper, intuitively
11 you people do subscribe to these three factors,
12 and probably to a greater depth with regard to
13 the cultural heritage than we do. So I think
14 we've learned something here from your telling
15 us about your cultural heritage and how it impacts
16 your lives and is your reason for managing the
17 resource.

18 So I enjoyed it. My question was
19 really, as far as I'm concerned, was quite
20 rhetoric, because I think you have answered it.
21 But I did want to make it a point that why we
22 have these presentations is to broaden our

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1 knowledge on some of these things. So thank you
2 again.

3 MR. WOODS: I think that some of the
4 points that I want to make are not to give everyone
5 a warm and fuzzy feeling inside. I think it's
6 important to understand where we come from in
7 our culture, in our heritage, but it's also just
8 as important to understand the lengths that we
9 strive today as managers.

10 And, you know, today we practice more
11 science in my state -- try to practice more
12 science than -- than the State of Washington,
13 or the Olympic Coast National Marine Sanctuary
14 combined.

15 We really work hard to assure that
16 some day little Angelina will be able to go to
17 the river and, you know, catch a fish for a meal
18 or for our children in the future to be able to
19 provide, you know, economically for their
20 families. It's quite -- it's very much a part
21 of who we are. So the work that we do today is
22 guaranteeing that we're not depleting the stocks.

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1 CHAIR BROMLEY: Yes. Bob Zales?

2 MR. ZALES: Yes. Thank you, all.

3 It was an excellent presentation. My daughter
4 is adopted, and she's got a good percentage of
5 Seminole Indian in her from Florida. And two
6 things for you I guess, because you mentioned
7 tribes in Florida.

8 But since I've been involved with
9 MPAs, and I've learned about all the tribal
10 connections and what not with fisheries out here
11 in the northwest, I've asked a lot of people a
12 lot of questions in the State of Florida -- where
13 is this -- because you've got a big Indian
14 heritage in the State Of florida.

15 Is there any connection with any
16 treaties or anything for any of these fishing
17 rights in Florida that you know of, or -- because
18 nobody has been able to tell me anything about
19 this.

20 MR. WOODS: Many of the treaties
21 throughout the whole country incorporate U&A and
22 hunting and fishing rights, if not all treaties

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1 do, to some certain degree. The treaties up here
2 in the northwest are unique, and then there's
3 a few treaties in the Great Lakes that are just
4 as unique and encompassing marine waters.

5 So when I talk about the four coastal
6 tribes in Washington, we're -- our U&A, that
7 reaches out 40, 50, 60 miles out into the Pacific,
8 encompasses state waters. We have -- the Olympic
9 Coast national marine sanctuary is actually
10 within tribal U&A. So there is a uniqueness about
11 the northwest here.

12 MR. ZALES: Okay. And my next
13 question is: in the current proposal that's out
14 for comment, it talks about tribal MPA
15 authorities programs and linkages, and it appears
16 that this isn't enough recognition or authority
17 for the tribe. So my question is: does this
18 satisfy you all's needs, or what is it that you
19 would add to this to enhance that?

20 MR. WOODS: Well, we're going to
21 be -- I'm going to be sitting down with my
22 counterparts and the Northwest Indian Fisheries

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1 Commission, the coastal tribes, and we still have
2 a little bit of ways to go, and I think we're
3 going to formulate a few comments on that proposed
4 document. But there is nothing really that I
5 want to address right now.

6 MR. ZALES: Thank you.

7 CHAIR BROMLEY: Thank you. Dennis,
8 you're --

9 DR. HEINEMANN: You already got me.

10 CHAIR BROMLEY: I got you. Okay.
11 John Ogden, and then I think we should terminate
12 it.

13 DR. OGDEN: Well, let me add my thanks
14 to both of you for an inspiring presentation.
15 It was very educational.

16 Jim, I just have a quick question for
17 you. Those of us who are sort of struggling with
18 the concept of ecosystem-based management hear
19 quite a bit about the -- and I don't have the
20 name quite right, the Puget Sound Partnership
21 group of stakeholders that's getting together
22 to sort of try to come to some resolution on the

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1 management of the entire Puget Sound, Georgia
2 Strait, even connecting with the Willamette
3 Valley and all that as a -- as a large ecosystem.

4 Can you -- can you comment on that?

5 How is that process going? And do you feel that
6 concerns of -- that you've articulated here are
7 fulfilled in that process?

8 MR. WOODS: Fran, do you want to kind
9 of help me with this?

10 MS. WILSHUSEN: No, we don't. The
11 Puget Sound partnership is a new process. The
12 tribes are participating, but it's very much a
13 state process, so a lot of the kinds of the issues
14 that Jim brought out in his presentation -- and
15 David, too -- we're working through with that
16 process as well.

17 Chairman Frank, who is the Chairman
18 of the Northwest Indian Fisheries Commission,
19 is one of the three co-chairs of the Puget Sound
20 partnership. That was done as an afterthought.

21 It was originally Bill Ruckle's house and Jay
22 Manning, who is the Director of Department of

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1 Ecology.

2 And the tribes came very much forward
3 and said Puget Sound, I mean, add up just the
4 coastline that the tribal governments have
5 jurisdiction over, let alone the -- that all of
6 Puget Sound is part of some tribe's U&A. So
7 there's no part of Puget Sound that
8 isn't -- doesn't have tribal fisheries management
9 over it.

10 And the Governor -- Christine
11 Gregoire -- who has a long-time relationship with
12 the tribes, both as Department of Ecology
13 Director and now as Governor -- quickly
14 backstepped and asked Billy to be one of the
15 co-chairs.

16 The process has been long, it's
17 difficult, and it's very much a state process,
18 and they have a hard time stepping out of that
19 state ownership and really opening up what's
20 going to be required to everybody there. And
21 so we're hopeful. The tribes are fully
22 participating, but, you know, you don't know

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1 where that's going to go.

2 CHAIR BROMLEY: Okay. Lelei,
3 you -- where are you? Oh, there you are. Okay.

4 And then, that will be the end of it, I think.

5 MR. PEAU: Lelei Peau. Jim and Dave,
6 thank you for the history and a reminder to this
7 body in terms of the importance of recognition
8 of traditional knowledge in our -- in our work.

9 I was fascinated with the -- Jim, with
10 your presentation about going back and asking
11 the questions about the legacy that needs to be
12 continued, and how that applied to how the tribes
13 work towards ensuring that the future of the
14 resources is maintained and can be shared with
15 the -- with future generations.

16 I want to -- I want to ask a question
17 on your experience on the
18 co-managers -- co-management of the resources.

19 The draft framework -- one of the goals
20 highlighted the enhancement and effective
21 coordination between federal, state, and local
22 government. Perhaps you did cover it in your

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1 presentation, but if you can explain a little
2 bit about you did mention something about how
3 the federal is helping with your efforts, and
4 the state is not.

5 And I can appreciate the frustration,
6 because, again, it is the same -- same challenge
7 that we face in the Islands where we're so remote,
8 we're so far away, we're out of sight, out of
9 mind. And oftentimes we are forgotten.

10 National policies -- I know the
11 intent is to enhance. The incentive is to have
12 the resources -- the financial resources to help
13 facilitate and promote the work that you do.
14 But oftentimes that resource is not enough to
15 be shared among all of the jurisdictions. So,
16 again, you're back to the same dilemma.

17 But one thing that I think we need
18 to be mindful of the fact that our national
19 policies can only be effective if they are
20 applicable at all levels -- national, regional,
21 and local communities. Can you explain a little
22 bit in terms of what the problem is with the state

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1 and what suggestions or recommendations you can
2 offer given the framework that is being proposed?

3 Does this help address the concern
4 or the challenge that you encounter in your
5 effort? What can you -- what can you bring to
6 the table? Thank you.

7 MR. WOODS: Well, we are continually
8 working on, you know, perfecting our relationship
9 with the state. Since 1974, through that Bolt
10 decision, whether we liked it or not, or whether
11 the state liked it or not, we became partners.

12 And, you know, we've had our highs and -- ups
13 and downs.

14 We've established a good working
15 relationship with the state to date, and with
16 this -- with our committee, I'm on Committee 1,
17 and I put together a paper on, you know, an example
18 or a case study of the relationship between the
19 tribes as co-managers and the State of Washington
20 and how that intricately plays within the nymphs
21 as well.

22 So we all know and understand our

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1 roles, but it's a continual negotiation process.

2 It's a process that we're dealing with the state
3 on fishery-related issues. It's my job as a
4 policy representative for the tribe to hold
5 people or hold these agencies accountable where
6 there -- you know, it's forest and -- you know,
7 forestry, you know, management practices, that's
8 regulated and overseen by the state, or whether
9 it's the Department of Transportation in culverts,
10 you know, and road construction, in non-point
11 source water runoff issues.

12 So we do run into issues like that
13 that affects our U&A or our -- you know, because
14 our U&A reaches far off -- off of the reservation
15 outside of our boundaries. But still, we have
16 this dotted line out there that extends and
17 encompasses a good portion of the peninsula.
18 And within those areas, we do run into, you know,
19 mismanagement issues with the state.

20 CHAIR BROMLEY: Fine. How strongly
21 do you feel about it, Tony, about your own
22 question?

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1 DR. CHATWIN: I feel strongly about
2 it.

3 (Laughter.)

4 CHAIR BROMLEY: Okay. This will be
5 the last one. Please, short question and short
6 answer.

7 DR. CHATWIN: Thanks for the
8 presentation. I'm going to be brief. I just
9 wanted to -- the U&A areas, because they -- as
10 I have -- am understanding this, they are
11 co-management areas, right? Do they enjoy a
12 certain status with the federal agencies that
13 you co-manage with?

14 MR. WOODS: Well, the usual and the
15 custom area is an area that's identified in our
16 treaty fight, a guaranteed area that we have the
17 right to enter and fish or hunt. You know,
18 primarily, that's what the meaning of a U&A is,
19 you know, when we talk about our treaty rights.

20 When I talk about co-management with
21 the state, that's something that we take 50
22 percent of any allocated stock of salmon, and

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1 then the tribes within that 50 percent, through
2 the Northwest Indian Fisheries Commission, will
3 allocate according to history and catch -- catch
4 history per tribe what portion of that 50 percent
5 they will receive.

6 The Macaw Tribe -- we're the biggest
7 treaty fishery tribe in the United States. And
8 I say "treaty tribe," guaranteed right to fish
9 tribe. And so typically in western Washington
10 we'll take the lion's share of that allocation.

11 Real quick, I just wanted to mention
12 a few weeks ago we had the honor of hosting a
13 very important meeting with the chairs of all
14 13 sanctuaries at Macaw in Neha Bay, and it was
15 quite an experience. We were able to entertain
16 them. They took turns riding in ocean-going
17 whaling canoes. We feasted on salmon and seafood,
18 and they toured our museum. And I'd like to extend
19 that some day to this group if -- you know, we'd
20 be happy to host a fact meeting in Indian country.

21 CHAIR BROMLEY: I thought we are in
22 Indian country.

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1 MR. WOODS: Well, we are, but --

2 (Laughter.)

3 CHAIR BROMLEY: I know what you mean,
4 but we're there, aren't we? Everywhere we go,
5 we're in Indian country, aren't we?

6 MR. WOODS: Yes, pretty much.

7 CHAIR BROMLEY: Yes. Okay. Thank
8 you.

9 (Applause.)

10 Wonderful. Thank you.

11 We've already had our break, so we're
12 going to push ahead here.

13 The breaks will be ad hoc. If we take
14 a break, we -- it's 20 minutes. Let me ask
15 Jim -- Jim Woods, before you get away, I wanted
16 to ask you about the statement that you
17 distributed. And in terms of your work on
18 Subcommittee 1, we have invited the subcommittees
19 to look at the framework document and to come
20 back to this committee with ideas about it. And
21 Subcommittee 3 particularly is doing that.

22 And I want to ask you, in terms of

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1 Subcommittee 1, the statement that you
2 distributed here, on page 2 you have a general
3 assessment clause. Have you managed in your
4 Subcommittee 1 to reach the point where maybe
5 the number 1 Subcommittee would come back to us
6 with some of this language?

7 MR. WOODS: Let me see what document
8 we're looking at.

9 CHAIR BROMLEY: Well, that's this
10 thing.

11 MR. WOODS: The MPA --

12 CHAIR BROMLEY: It's the letter you
13 sent to Donald.

14 MR. WOODS: Right.

15 CHAIR BROMLEY: One opportunity would
16 be for you and your Subcommittee 1 to propose
17 to us some language like this, because it's
18 clearly within the province of Subcommittee 1,
19 isn't it?

20 PARTICIPANT: I don't think the Court
21 Reporter can hear us.

22 CHAIR BROMLEY: She can't hear?

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1 PARTICIPANT: Oh. Oh, we need one
2 conversation.

3 CHAIR BROMLEY: There's too many
4 meetings going on in the room. Is that what you're
5 saying? Yes. Okay. We are still in session,
6 and I believe there is one meeting going on up
7 here.

8 So my question to you, Jim, is: would
9 you and Subcommittee 1 be interested
10 perhaps -- have you discussed this in
11 Subcommittee 1?

12 MR. WOODS: No, we haven't discussed
13 it as of yet. But that is --

14 CHAIR BROMLEY: Let me just say that,
15 speaking, you know, as Chair of the FAC, we would
16 be open to receiving from Subcommittee 1 some
17 language that resembles this and consider it for
18 action, just as we're going to consider some
19 changes from Subcommittee 3. Okay?

20 MR. WOODS: Okay.

21 CHAIR BROMLEY: And you guys have some
22 time to meet, and so I would -- I think what I'm

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1 trying to do is invite you to discuss with
2 Subcommittee 1 this sense of your group.

3 MR. WOODS: Okay. Yes.

4 CHAIR BROMLEY: Tony?

5 DR. CHATWIN: Yes. Just a suggestion
6 that while -- during the presentation I was going
7 through the draft framework to look for
8 references to the content of this letter, not
9 that they referred to that letter specifically,
10 but the suggestion I would make is for
11 Subcommittee 1, for Jim and Subcommittee 1 to
12 do the same, because there is a lot of language
13 in here that seems to reflect a lot of the intent
14 in the letter. But I'm not a good person to judge
15 that. I just think that there are places in the
16 document that already make reference to it.

17 Now that I have the mike again, did
18 you get a response to your letter, from this
19 letter here that you distributed?

20 MR. WOODS: This was distributed by
21 a committee group with the Northwest Indian
22 Fisheries Commission.

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1 DR. CHATWIN: In '03.

2 MR. WOODS: Yes, back in '03.

3 DR. CHATWIN: You've never --

4 MR. WOODS: No, the Macaw -- we
5 actually had an addendum to this, and so there
6 is --

7 MS. WILSHUSEN: Yes, just by way of
8 background, in 2003, the 20 tribes in western
9 Washington recognized that this idea of MPAs was
10 coming, it was coming at every level. And while
11 they pride themselves on their conservation, the
12 marine conservation priority, the idea of these
13 MPAs was, like it is to many, concerning to them
14 for the potential restriction on their harvest
15 activities. So this policy was an attempt to
16 take a front end jump at if you're going to do
17 it, please do it like this.

18 MR. WOODS: That's right. That's
19 right.

20 MS. WILSHUSEN: And the Macaws made
21 one. We'll get that out to you, but it's an
22 addendum to that that is very focused on their

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1 particular area.

2 CHAIR BROMLEY: Okay. I see that
3 Max -- I mean, I see that the Chair and the Vice
4 Chair of Subcommittee 1 were probably out of the
5 room when I engaged you in this question. Bob
6 is back. Max -- when Max comes back -- Bob, what
7 I raised with Jim, with respect to Subcommittee 1,
8 which is concerned with, what, regional issues
9 and cooperation, and so on, that it would be quite
10 appropriate if the subcommittee was so inclined
11 to come back to us before we adjourn tomorrow
12 with a sense of this sort of statement that's
13 at the bottom of page 2 in their submission, so
14 that as we've invited Subcommittee 3 to come to
15 us with ideas for improving the framework
16 document, Subcommittee 1 could do the same with
17 respect to this statement at the bottom of page
18 2 and the letter that he distributed.

19 MR. ZALES: That's the reason why I
20 asked him the question, that -- what is in the
21 framework. What would he suggest to be -- I mean,
22 is that okay, or what additional comments would

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1 he suggest to go in there?

2 CHAIR BROMLEY: And my
3 suggestion -- here comes Max. My suggestion is
4 that Subcommittee 1 could look at this general
5 paragraph at the bottom of page 2 in what Jim
6 handed out and assess to what extent the framework
7 reflects this.

8 MR. WOODS: Mr. Chairman, if
9 appropriate, I'd like to encourage all three
10 committees to review this document and utilize
11 it where best available.

12 CHAIR BROMLEY: Okay. Yes, Joe?

13 MR. URAVITCH: Yes. I just wanted
14 to note someone raised the question as to whether
15 this letter was ever responded to. It was
16 responded to in a general way by the Secretary
17 of Commerce. We always respond to incoming
18 correspondence.

19 But what it also said was we were at
20 the beginning of a process which has now resulted
21 in a framework, so we're now -- and this was part
22 of our consideration in putting together the

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1 framework and we will consider it further.

2 CHAIR BROMLEY: Yes. Good. Lelei?

3 MR. PEAU: Mr. Chairman, can we get
4 a copy of the official response to this letter?

5 MR. WOODS: Yes.

6 MR. PEAU: All right. Thank you.

7 CHAIR BROMLEY: Okay. The agenda has
8 been modified just a bit. We've slipped some,
9 but that's fine. Subcommittee 3 has suggested
10 that they would like to hold off on their
11 submission to us, their report to us, until after
12 lunch. So that means that before lunch we
13 have -- we have only to hear from Subcommittees
14 1 and 2, and my brief little presentation. So
15 with your permission, I'd like to proceed with
16 that.

17 I had asked for a little spot on the
18 agenda and had planned to sort of turn the chair
19 over to Bonnie, so that I -- it was clear that
20 I was not speaking as Chair, but as a mere member.
21 Mere, right?

22 Bonnie is not here, and so I don't

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1 know what to do. I will turn over the Chair to
2 Lauren perhaps. I would like it to be very clear
3 that I'm speaking now not as your Chairman but
4 as just somebody interested in this process.
5 And I asked for a chance to share with you some
6 ideas and lessons that I picked up in August while
7 I was visiting both the marine protected areas
8 people in New Zealand and the Great Barrier Marine
9 Park in Australia.

10 So with your goodwill, I will try to
11 keep this brief. What I have to talk to you about
12 is simply my impression. It is not the official
13 view of anything.

14 Let me just talk about New Zealand
15 briefly and Australia briefly. From a policy
16 kind of perspective, New Zealand has -- and I
17 want to talk about governance treaty issues,
18 because they touch on what we face here. New
19 Zealand has, for those of you that know, a very
20 strict sort of Westminster system of governance
21 where a parliament speaks with one voice.

22 New Zealand is jurisdictionally

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1 challenged. That is to say, they have no states,
2 they have no layering of government like we have,
3 so what you have in New Zealand is a Parliament
4 and a native community that is -- that has become
5 increasingly involved in governance, since the
6 white people realized that they had a treaty with
7 the Maori in 1840.

8 And so what you have in New Zealand
9 is a powerful Parliament and a powerful native
10 community with clear treaty rights with a treaty
11 from the tribunal. And so this is very different
12 from what we have here, and it's very different
13 from what one encounters in Australia to be sure.

14 New Zealand has -- and I -- my
15 apologies to those of you who know about New
16 Zealand and Australia better than I. I'm sure
17 that some of you do. But New Zealand has taken
18 a representative areas approach. They have tried
19 to identify by regions.

20 They have tried to find
21 representative habitat types, so in a sense New
22 Zealand has approached it the way I think our

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1 early interest in MPAs did. Let's find bioregions
2 that are unique, let's identify them, let's
3 quantify them, and let's designate them as marine
4 reserves, marine protected areas.

5 To qualify the New Zealand system,
6 they must be under some level of protection that
7 allows recovery. And then, there's a list of
8 accepted sites that it has put together, and then
9 the government goes around and makes sure that
10 all representative sites have been covered. And
11 if they haven't, they identify that as a gap,
12 and they go out and they try to find
13 representative areas.

14 So the government of New Zealand has
15 made a commitment to find at least one example
16 of each habitat or ecosystem to be included in
17 marine reserve. Now, the debate, of course, is
18 how you define a representative system, and what
19 have you. But this is sort of the New Zealand
20 approach, and that's all I want to say about it
21 right now. I want to contrast it with what I
22 think I picked up in Australia, and then we can

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1 discuss if you want for a few minutes the lessons.

2 Australia, I would say, is a system
3 that is backing into zoning. So New Zealand
4 approached it very explicitly up front.
5 Australia has I think reluctantly backed into
6 what Gail Osherenko yesterday reminded us about
7 zoning.

8 And what I mean by "backing in,"
9 Australia created, as many of you know, in 1975,
10 the Great Barrier Reef Marine Park, with a
11 negative mandate. It was not created, from what
12 I can tell, with the noble idea of protecting
13 great stuff, although the reefs were regarded
14 as great. But it was to preclude mining, it was
15 to preclude drilling, and it was to preclude oil
16 exploration and other things in this park area.

17 And as many of you may know from the
18 history, less than three percent of the area
19 inside of the park was protected. And I went
20 snorkeling in the area, and can tell you that
21 when the biologists who explained the park and
22 all of this to the tourists, told the story that

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1 only three percent of the park was protected
2 historically, there was shock, disbelief. I mean,
3 people -- so in a sense, people associated the
4 idea of the park with protection.

5 And when they were told that only
6 three percent of the area of the park was
7 protected, the people that I was with on these
8 snorkeling expeditions were outraged, shocked,
9 surprised, what have you. Okay?

10 In the late 1990s, then when
11 biodiversity became something that we worried
12 about, then the Park Authority began to sort of
13 focus on this. They went through an extensive
14 period of identifying 70 bioregions, they
15 developed draft zoning plans, had something like
16 31,000 meetings with local people, and in a sense
17 came up with a zoning structure that now protects,
18 whatever that means, about 34 percent of this
19 larger area of the park.

20 So what -- this is what I mean by they
21 sort of backed into zoning. They had a large
22 area set aside as a park but with very little

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1 protection. And now they're working to refine
2 that.

3 Australia is jurisdictionally more
4 complicated than New Zealand but much simpler
5 than us. They have a state structure. They I
6 think have fairly weak local government. I'm
7 not quite sure about that. So you have a
8 state-federal system that in a sense looks a bit
9 like what we have. It's quite different from
10 what New Zealand has. Public input was extensive.

11 There is a very good connection
12 between what goes on on the land and what goes
13 on in the park. From my sense, I think perhaps
14 more highly developed than what we have in the
15 U.S. The coastal area along the Great Barrier
16 Reef is a -- is an extensive agricultural area.

17 The sugar production there is quite astounding,
18 so you have this connection between what goes
19 on on the land and what happens out in the water.

20

21 And all of the efforts that the Park
22 Authority has taken has focused on these

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1 agricultural towns along the coast and the
2 agricultural activity that takes place in
3 the -- in the watershed, and then the implications
4 of that out in the water.

5 So I find the way in which the
6 Australians have dealt with this land-water
7 interface to be very encouraging. They produce
8 things like this for each of these towns which
9 I think in a sense form the political nexus of
10 it. So here's the Cairns. We would pronounce
11 it Karns, but the Australians pronounce it
12 Cairns.

13 This is a management plan for this
14 section of the coastline. It's an elaborate
15 document, and they put out maps. Down here is
16 where Steve Irwin met his untimely demise at the
17 hands of a lurking stingray, right off the coast
18 of Cairns. But the extensive zoning and
19 management and public information that goes into
20 this backing into zoning by the Great Barrier
21 Reef thing is really quite impressive.

22 So are there lessons here? I think

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1 the New Zealand lesson is they paid extreme
2 attention to, first, people's -- the Maori, not
3 that they wanted to, but in the '80s when New
4 Zealand was going through a massive restructuring,
5 again, this Westminster system led them to
6 believe that Parliament had all of this authority.

7
8 And one day the Maori stepped up and
9 said, "Sorry, you can't sell off what you don't
10 own." And the New Zealanders got I think an abrupt
11 lesson in how to deal with native peoples that
12 they had been quite happy to ignore for 100 years.

13 Australia, of course, is quite a
14 different story. The Aborigines there are
15 basically politically irrelevant. They've had
16 a real struggle. They were impressed with our
17 three themes for protecting areas -- the idea
18 of sustainable production, cultural resources,
19 natural heritage. They were sort of impressed
20 with that.

21 Where I think we are weak, or where
22 I think we need more work, is a connection between

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1 the purposes of the MPAs that we're thinking about
2 and the levels of protection, the levels of
3 management, the zoning if you will, that will
4 connect these purposes with effective
5 understanding on the part of the public of what
6 can and cannot be done.

7 I think we are still fudging our
8 terminology. This has been a constant theme when
9 I have felt free to speak out. That's one thing
10 I have kept hammering on. I think we have a
11 terminological problem which does not speak
12 clearly to the public.

13 When fisheries closures are called
14 marine protected areas, and yet in our report
15 we talk about lasting protection and permanent,
16 I think we have a terminological issue that we
17 have not yet developed, not yet fleshed out.

18 I worry that we're avoiding central
19 issues of operational significance. I think we
20 are -- we are sort of preoccupied with seeing
21 about getting areas into the national system.
22 We have left off I think important issues about

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1 what is to be done there, what these areas ought
2 to be called.

3 I think we heard this morning a story
4 about, "Well, you're going to create all these
5 sanctuaries, but there's no money for them."
6 And I think the lesson from Australia is important
7 here, and that is that I think we're afraid of,
8 as we put it, creating paper parks. But paper
9 parks -- I don't like that term -- but just the
10 designation of a sanctuary, or the designation
11 of an area that shall now be taken care of, has
12 a way of stimulating interest, and money flows
13 from that.

14 This is clearly the Australian lesson,
15 that you create an area that's called a park.
16 The public realizes, then, that there's very
17 little protection in this park. The public
18 becomes concerned, agitated, interested, and
19 there is an induced response, political response
20 to this designation, which then stimulates money.

21 So if I can use sort of the economic
22 jargon, there's kind of an endogenous issue here

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1 that takes place where public awareness transfers
2 into larger political support, and money,
3 therefore, comes from it. So I wouldn't worry
4 so much that there isn't money up front. I think
5 money will flow from an identification of an area
6 and a commitment to it.

7 Well, I think that's all I want to
8 say. I think, finally, the message we just heard
9 this morning from the tribes reminds me of a need
10 that -- that -- for a much more explicit
11 incorporation of first peoples interest into the
12 MPA process. I think the Kiwis have a great start
13 on this. The Australians do not. They claim
14 they have tried to get first peoples involved
15 in it, but they have a set of problems there that
16 are so different from ours that I don't think
17 there's much in the way of a lesson there.

18 So I'd be -- I'm -- I'll be quiet now.

19 That's my observations. Any comments? Tony?

20 DR. CHATWIN: Thank you, Mr. Chairman.

21 I'd just like to make one clarification for folks
22 in the room, that although I agree 100 percent

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1 that there are lessons that we can learn, that
2 this effort is not about creating areas. That
3 we are talking about developing a national system
4 with existing areas. But I do believe that
5 creation of the national system has the same
6 benefits that you described.

7 What I wanted to share is that, to
8 add to the Australian example, because Australia
9 is always touted as a great example of success.

10 And the Great Barrier Reef is, but that's not
11 Australia, that's one protected area in
12 Australia.

13 I had the privilege to organize or
14 co-organize with the Brazilian Ministry of
15 Environment a site event. And the site event
16 was focused on development of national systems
17 in marine protected areas, and the invited
18 countries were Brazil, Columbia, and Australia.

19 And I was particularly interested in
20 the Australia presentation, because it had this
21 reputation of being sort of the leader in these
22 matters. However, it was very interesting that

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1 they are now, as is every signatory to the
2 Convention, trying to meet the commitments to
3 develop a national system to protect theirs,
4 including marine protected areas.

5 And so that means for Australia
6 that -- it means going from having this Great
7 Barrier Reef affected area to having other areas
8 around the country. And they struggle -- they
9 are struggling with exactly the same sort of
10 issues that we are, including the funding. So
11 right now, they have funds for this one authority
12 to manage this one area, and I'm sure that there's
13 collaboration and cooperation with other
14 authorities.

15 But when they talk about expanding
16 it, the question of, where is the money going
17 to come from, is still very much one that's of
18 primary importance. I'd just like to add that,
19 so that we don't think that we're struggling with
20 something that --

21 CHAIR BROMLEY: Okay. Well, Jim, and
22 then Bob.

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1 DR. AGARDY: Thanks, Dan. I have a
2 slightly different interpretation of history,
3 which I guess is, what is it that somebody said,
4 that history is -- you know, what happened in
5 history is however it was written by the person
6 who was documenting it.

7 So I think --

8 CHAIR BROMLEY: History written by
9 the victors.

10 DR. AGARDY: Yes, that's right.

11 (Laughter.)

12 So I think it's wonderful that you
13 bring forward the lessons learned from Australia
14 and New Zealand. And I don't disagree with some
15 of the lessons, but I -- I would like to point
16 out that the Australian setting up of the Great
17 Barrier Reef Marine Park was a zoning exercise
18 right from the start, that the enormous and really
19 unparalleled resource that Australia recognized
20 to its credit back in '86 and for which it
21 established three zoning sections essentially,
22 and set out to initially zone with very little

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1 full protection as you said, and with a regulation
2 that was put into play with the establishment
3 of the Great Barrier Reef Marine Park Authority,
4 that the zoning be revisited periodically.

5 So this was an opportunity for them
6 to learn -- actually put adaptive management into
7 play, and take stock of what was happening with
8 the zones that they created and revisit that and
9 rezone. In effect, they set up a system where
10 they could sunset out fully protected areas if
11 they deemed them not achieving the goals of the
12 zone.

13 So I think they had zoning in mind
14 right from the start, and it is true that they
15 have increased the amount of protection in the
16 park. But I don't think it is true that the -- even
17 today's very extensive strict protection of the
18 33 percent that is now fully protected is really
19 addressing the threats to the marine park,
20 because what is happening is the marine
21 environment of the Great Barrier Reef is
22 continuing to be degraded by land-based sources

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1 of pollution.

2 And one of the great lessons to be
3 learned from the Great Barrier Reef experience
4 I think is that they never really recognized the
5 connection between land and sea when they first
6 set out. And as a result -- and there was a lot
7 of, frankly, corruption in the state governments,
8 unnamed state governments, so that there was very
9 little ability of the parastatal organization
10 that the Great Barrier Reef Marine Park Authority
11 really is to be able to control a lot of the
12 impacts on the Great Barrier Reef.

13 So while they were able to regulate
14 tourism, and able to some extent regular where
15 fishing occurred, and to keep oil and gas industry
16 and other kinds of mining interests out of the
17 park, they were not able to tackle the problems
18 of land-based sources of pollution, nor, of
19 course, were they able to tackle the problems
20 of climate change and other global change events,
21 which no -- you know, no individual institution
22 could do. So I think there are interesting

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1 lessons to be learned from Australia.

2 Also, with the lack of leadership at
3 the federal level to do what the Great Barrier
4 Reef Marine Park Authority did for that -- that
5 part of Australia, they haven't been able to
6 replicate that in other parts of the country.
7 Instead, the states have done an amazing job in
8 developing both representative systems of
9 protected areas within state waters and of
10 exploring what the idea of MPA networks really
11 means.

12 So in south Australia, for example,
13 there is this planning effort going on right now,
14 not only to identify sites as critical areas from
15 an ecological perspective, but also to really
16 link the land and sea early on in the process,
17 so that they don't fall into the -- a situation
18 that the Great Barrier Reef Marine Park did.

19 The other thing, I was interested
20 that neither you nor Gail mentioned the zoning
21 efforts that are going on at the national level
22 in New Zealand, which from what I call tell are

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1 clandestine, secretive -- I hope -- I guess this
2 is being recorded, so I'm probably going to get --

3 (Laughter.)

4 -- in trouble here. But I was very
5 interested when I was -- started to look at the
6 question of what we could learn from zoning with
7 MPAs to what we could learn, applying that
8 knowledge to kind of whole-scale ocean zoning.

9 That New Zealand was one of the countries that
10 set out -- has publicly stated that they are going
11 to produce an ocean zoning plan for all of their
12 waters.

13 And there is very little information
14 that I could glean about that process, but the
15 extent to which the existing -- which protected
16 areas in New Zealand, which are essentially
17 opportunistic protected areas in the sense that
18 they weren't science driven. They are
19 not the result of a science-driven process by
20 which all of the traditional knowledge and the
21 western or, you know, more conventional
22 scientific knowledge was assembled to figure out

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1 where the critical areas where, which is the
2 process by which the Great Barrier Reef Marine
3 Park was zoned and continues to be rezoned.

4 That rather, the New Zealanders went
5 through an attempt to identify buyer regions,
6 as you said, and then get whatever marine
7 protected areas they could get in place where
8 there was the least amount of public, you know,
9 conflict over the selection of the site.

10 CHAIR BROMLEY: And pushback from the
11 fishing industry.

12 DR. AGARDY: Right. Exactly. So what
13 you have -- and I don't think it's a bad thing
14 necessarily, but what you have is not a kind of
15 attempt to zone parts of New Zealand water
16 according to what kind of protection should be
17 afforded according to, you know, what -- the
18 ecological importance of an area or the
19 traditional values associated with an area, but
20 rather where they could get them.

21 So they have a system now of MPAs that
22 exists where they could get them, and the question

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1 that's going to be really interesting I think
2 in the coming years is: how do they take that -- is
3 that going to be the basis for their zoning plan,
4 which I think most of us when we think about ocean
5 zoning would think about a rationale which would
6 say these are the most critical areas to protect
7 that will give you sustained production over time
8 and conserve your biodiversity.

9 And so the most strictly protected
10 areas within a zoning plan you would assume would
11 be the marine protected areas or the marine
12 reserves. And that's not the way it is currently,
13 so the foundation from which they are going to
14 be building into the future is one where they
15 have a kind of different -- they've gone down
16 one path, and now they're going down another path,
17 and we'll see how those two paths converge. So
18 I --

19 CHAIR BROMLEY: Let me just say this.

20 I'm sorry if I left the impression that the Great
21 Barrier Reef was the greatest success story in
22 history. I am simply trying to tell stories about

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1 it. And I think in -- then we'll go -- in your
2 last comment, Tundi, maybe this is part of the
3 tension.

4 As more of a political economist kind
5 of person, I might look at the New Zealand thing
6 and say, "Tell me exactly what's wrong with them
7 getting what they can get, rather than getting
8 what the scientific community says is the optimal
9 thing to get." Okay? I'd like you to entertain
10 that possibility.

11 If we can get areas protected
12 opportunistically, tell me what's wrong with that.

13 I mean --

14 DR. AGARDY: Do you want me to tell
15 you?

16 (Laughter.)

17 CHAIR BROMLEY: Well, all right. Not
18 now, but -- but there are two ways to skin a cat,
19 and one way when you've got a powerful native
20 community and a powerful white community to -- and
21 then, fishing industry thrown in there. Getting
22 what you can get as a start is a way to get started,

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1 so this is not the place for a debate about that.

2 But I think part of the struggle is
3 that the scientific community says, "Ah, these
4 are the best places. They must be protected."

5 And then, they express surprise when the fishing
6 industry and others say, "Excuse me." Okay?
7 That's a fair kind of reaction from people. "I'm
8 sorry. Tell me again exactly what you see."

9 Okay. Bob Bendick and then Gil.

10 MR. BENDICK: Dan, just briefly, I
11 think your presentation was very helpful, and
12 it illustrates what I believe are three things,
13 three issues with the framework report that need
14 to be revisited in the next couple of days.

15 One is representation, two is funding,
16 three is regional context. And I think there
17 are problems with the report in all three of those
18 areas that we should provide enough time to
19 discuss.

20 CHAIR BROMLEY: Great. Good. I hope
21 we can.

22 Gil?

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1 MR. RADONSKI: Yes. I'd like to thank
2 you for bringing up one point about terminology.

3 I think this whole report is terminologically
4 challenged, and I think that would be -- it's
5 tough reading it as an insider. I consider myself
6 an MPA insider. As this goes to the outside
7 community, they are just going to go bonkers.

8 (Laughter.)

9 So thank you for raising that point.

10 (Laughter.)

11 CHAIR BROMLEY: They might go bonkers,
12 and they might also be confused about what we're
13 talking about. Right? Is that the same thing?
14 Okay.

15 Ellen?

16 MS. GOETHEL: I just wanted to go back
17 to New Zealand really quickly. My husband last
18 summer -- last spring was invited by California
19 Seagrant to go --

20 CHAIR BROMLEY: Can you bring the
21 microphone a bit closer?

22 MS. GOETHEL: Really quickly, my

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1 husband was invited by Seagrant -- California
2 Seagrant to visit the fisheries in New Zealand,
3 and basically he asked one question several times
4 during his visit. And what it was is when they
5 restructured their fisheries, basically the
6 fisheries were sold off to four or five major
7 corporations.

8 CHAIR BROMLEY: Right.

9 MS. GOETHEL: Small fishermen are
10 gone. The small fishermen are bitter. They sold
11 out at a time when they felt that they got very
12 little for their history. So there are fishermen
13 there that are sitting around drinking that do
14 not have a fishing interest anymore. And
15 they -- some of them have gone to fishing for
16 the companies, but they are still very, very
17 bitter.

18 So you have four large industries,
19 fishing industries, that control the fishing
20 interests. Therefore, they have money behind
21 them, so that they have -- can make sure that
22 the areas that they want to fish in are closed.

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1 That has had a real impact.

2 And the one question he kept asking
3 was: when you went about the restructuring, did
4 you take into consideration the social impact?

5 And the answer was no.

6 CHAIR BROMLEY: Yes. It's worse than
7 you told. When they gave it away, they gave it
8 away to the white commercial fishing industry,
9 And then the Maori said, "Excuse me." And then,
10 the government had to buy it back, and so on.
11 So there's more of a history in New Zealand than --

12 MS. GOETHEL: And the minorities are
13 not fishing it themselves. They've sold their
14 interest with other people to do it. So there
15 are some severe problems --

16 CHAIR BROMLEY: Yes.

17 MS. GOETHEL: -- in New Zealand.

18 CHAIR BROMLEY: Jim Ray, and then Mike
19 Cruickshank.

20 DR. RAY: I just wanted to bring out
21 a small point at this point. You know, your
22 comment about, "Well, go ahead and make marine

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1 protected areas, and the money will come later."

2 CHAIR BROMLEY: Yes.

3 DR. RAY: Historically, that really
4 has been what we've seen here in the U.S. in
5 general. And, you know, one of the things we've
6 talked about with marine protected areas and the
7 systems of marine protected areas, one of the
8 most important things is the general buying of
9 all stakeholders.

10 And if you start having marine
11 protected areas -- large marine protected areas
12 that are not properly funded, and cannot carry
13 out their mission and their mandate, including
14 the area where you need protection and where you
15 have to have enforcement, and if there's not money
16 to do that, these things are going to fail and
17 you're going to have an awful lot of takeover
18 groups that are going to be very unhappy.

19 And we really need -- you know, if
20 we're going to have marine protected areas, we
21 need to try to be sure they have adequate funding,
22 so they can succeed. And so I'm just -- again,

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1 I'm just really cautious about, you know, us
2 proceeding on some of these things, you know,
3 without the adequate funding so we can do these
4 things the right way.

5 That's really the only comment I
6 wanted to make.

7 CHAIR BROMLEY: I understand that,
8 Jim. Thank you. But I think also it's part of
9 our linguistic morass that we find ourselves in,
10 because you keep saying, well, a marine protected
11 area -- that means something quite specific to
12 many people, whereas a park or a sanctuary or
13 something else may not mean something quite as
14 specific. So my point simply was in
15 Australia they created a thing called a park.
16 People expected great protection in that park,
17 and it wasn't there, and then they began to demand
18 protection. And then, people said, "All right.
19 If you want protection, it's going to take
20 money." That's all I meant by that story, and
21 I think maybe there is a lesson there for us,
22 but I don't want to push it too far.

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1 DR. RAY: Well, even, you know, the
2 discussions we've had today about the possibility
3 of having a series of reserves -- small, big,
4 research, or otherwise. And I understand, you
5 know, the reason for the suggestions. But let's
6 say it's going to take 25 years if you have a
7 series of reserves off the coast of Oregon.

8 If for the next 25 years there are
9 reserves, and if you don't have
10 adequate -- adequate funds out there to conduct
11 the monitoring research to really evaluate the
12 effectiveness of those areas that you're claiming
13 have been made reserves, then you're really not
14 going to know whether you've really succeeded
15 in what you were trying to accomplish in the first
16 place.

17 And so it's very important that that
18 program over that 25 years have adequate funds
19 available so that they can do the research
20 monitoring that is necessary to gain the benefit
21 and learn something from those areas having been
22 made reserves. That's another example of where

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1 the two go hand in hand.

2 CHAIR BROMLEY: But it depends on the
3 purpose. I mean, if the purpose of the reserve
4 is to restore decimated stocks, then, yes, you
5 need a serious monitoring program to see whether
6 stocks have come back.

7 If the purpose of the reserve is to
8 reserve a piece of habitat, then by virtue of
9 the declaration of it as a reserve, you've done
10 what you wanted to do. Okay?

11 MS. GOETHEL: No. No.

12 CHAIR BROMLEY: No?

13 MS. GOETHEL: No. You have to have
14 monitoring if you have -- if you have a habitat
15 that you want to preserve, and you don't have
16 monitoring, things can go on that destroy that
17 habitat naturally, and you don't know about it.

18 Then, we found that in New England there are
19 areas that have been protected for specific
20 reasons where invasive species have come in and
21 seem to have destroyed that environment.

22 And that's something that needed to

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1 be monitored at the time that could have been
2 corrected that were -- so, Dan, I strongly
3 disagree. You really need monitoring if you're
4 going to have an enclosed area of protection.

5 CHAIR BROMLEY: Okay. These
6 wonderful pinnacles that they showed us in the
7 slides, I wish I could remember where it was.
8 Where is that, Mark, all these great things
9 sticking out in the ocean, okay? Do you know
10 where that was on the coast? It doesn't really
11 matter.

12 You know, these rock formations out
13 here along the coast? If we discovered that rock
14 climbers were up there devastating those things
15 and chipping rocks off and doing all sorts of
16 horrible things to them, and the idea was to set
17 it aside as a reserve, and you do it and you stop
18 that, isn't that what you wanted to accomplish?

19 I mean, sorry, I don't want to keep
20 this fight going too long.

21 MS. KENZEL: No, we should move on.

22 CHAIR BROMLEY: Lauren said, Stop it,

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1 Dan."

2 (Laughter.)

3 CHAIR BROMLEY: So, Mike, I have you,
4 and then maybe I should shut up. I've abused
5 my chairmanship privilege I think. If you want
6 me to be quiet, I will.

7 Mike?

8 DR. CRUICKSHANK: (Inaudible comment
9 from an unmiked location.)

10 DR. OGDEN: (Inaudible comment from
11 an unmiked location.)

12 CHAIR BROMLEY: Mark?

13 DR. HIXON: Just a brief note about
14 perspective. In this discussion of the Great
15 Barrier Reef Park, whether it has been successful
16 or not from whatever perspective you're seeing,
17 it's important I think to keep in mind the scale
18 of this park. The Great Barrier Reef Marine Park
19 is on the same scale as the west coast of the
20 United States from Seattle to San Diego. So it's
21 not calling it a park. It's kind of a misnomer.
22 It's a huge, huge area.

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1 CHAIR BROMLEY: Thank you for
2 your -- oh, George. Yes. Are you going to
3 compliment me or criticize me?

4 (Laughter.)

5 MR. LAPOINTE: I'm going to
6 compliment you. Put that on the record, Mr.
7 Chairman.

8 (Laughter.)

9 I think as we think about developing
10 the system, I think there's got to be -- you know,
11 there is clearly an element of planning. We're
12 going through that, but we can plan to death.
13 You know? And there's an element of taking
14 advantage of opportunity that needs to be there
15 as well.

16 And showing both my age and my history,
17 there's an old Steve Goodman song called
18 "Searching for the Perfect High." And that's
19 a tendency we have to do sometimes. We want to
20 plan everything perfectly, and we'll all die of
21 old age and we won't get support for the system,
22 because it will be a planning exercise. So there

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1 needs to come a point where we continue planning,
2 but we start slipping in elements of the system
3 and get them going.

4 I've said in Maine that if people
5 think about the big system -- I said it yesterday.

6 I said they think about MPA is like getting a
7 disease right now, because they don't know what
8 it means to them, to use Bob Zales' term.

9 And I've contended that what they
10 need to do is look at the bioregion, look at what
11 areas we need to tab as representative, but then
12 pick one, pick one and get started because that's
13 how you're going to have the discussions about
14 how much funding you need, how much enforcement
15 you need, how much monitoring you need.

16 And so I think we've got to keep that
17 discussion alive and that tension alive because
18 I think it's useful for the discussion about the
19 systems -- the system we're trying to work on.

20 But the components of the system and the support
21 for the system as well.

22 CHAIR BROMLEY: Well, that's right.

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1 I mean, don't let the best be the enemy or the
2 better. I mean -- okay, I'll stop here.

3 What should we do? It's quarter 'til
4 12:00. Should we break for lunch and --

5 PARTICIPANT: I don't think they're
6 quite ready.

7 CHAIR BROMLEY: Well, we could break
8 for other things and then have lunch.

9 PARTICIPANT: Can we let Ricky make
10 a quick announcement?

11 (Whereupon, the proceedings in the foregoing
12 matter went off the record for a lunch
13 break.)

14 CHAIR BROMLEY: We lost -- before
15 lunch we lost the chance for subcommittee reports.

16 So we'll do that now. And they can be as short
17 or as long as each of the subcommittees wishes,
18 and then once that's finished we will go into
19 subcommittee meetings.

20 So, you know, if you have something
21 to tell us now, that's good. And if you want
22 to eat, you can just pass and then you will have

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1 the rest of the afternoon. We will adjourn at
2 5:00. this will be on the honor system. We won't
3 have you come back here and slam the gavel down
4 and adjourn. You just meet until whenever, 5:00,
5 6:00 if you're really hard working, whatever.

6 We should meet in the lobby at 6:45
7 for transport to the restaurant -- the lobby of
8 the hotel, not the lobby here.

9 PARTICIPANT: At what time, Dan?

10 CHAIR BROMLEY: At 6:45. We're booked
11 at 7:00 at Quincy's, and I assume it takes 10
12 or 15 minutes to get there, 5 minutes. Who knows
13 where Quincy's is? Mark? Five, 10 minutes north,
14 is it?

15 DR. HIXON: Yes.

16 CHAIR BROMLEY: Okay. So be in the
17 lobby of the hotel at 6:45. We'll mobilize
18 transportation and the dinner will start at 7:00.

19 And so let's just go through the subcommittees,
20 see if you want to say anything to us now. It
21 can be about what you've done, what you think
22 you're going to do this afternoon or tomorrow.

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1 So, Subcommittee 1, Max?

2 MR. PETERSON: I'm not ready yet.

3 CHAIR BROMLEY: Okay. I'll go to
4 somebody else.

5 MR. PETERSON: Since they're up, do
6 you want to let them go?

7 CHAIR BROMLEY: We'll start here,
8 then.

9 DR. MURRAY: This is Steve Murray from
10 Subcommittee 3. Remember, we left you last time
11 with the charge for us to make a few small edits
12 and revisions to this document that we are seeking
13 your approval on. And so we have done that, and
14 I would like to run you through those real
15 quickly.

16 The changes are all indicated in red,
17 with the change comments on the right-hand margin.

18 So in -- we had about five changes that we were
19 asked to address. You can see those indicated
20 right here, which is the red italicized statement.

21 This is in response to Tony's request that -- for
22 comment, that we should try to get up in the very

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1 front of the document something more meaningful
2 rather than wait until the end, and we've done
3 that with this statement.

4 So I'm going to walk you through these,
5 and then we'll come back and ask one at a time
6 if anybody has any issues over them. The second
7 issue that we were asked to address was to make
8 sure that we qualified the U.S. EEZ to include
9 state and territorial waters, which we've done
10 here. And the third issue had to do with Max's
11 suggestion that we have this unwieldy
12 parenthetical definition of MMAs.

13 And as we were playing with this for
14 a while, we all are of the opinion that we just
15 want to remove this bullet rather than to try
16 to deflect things in another direction, because
17 if you look at this we're basically saying that
18 the President's response states that the
19 administration will continue to work towards an
20 ecosystem-based approach.

21 The plan includes a variety of
22 explicitly place-based protection measures, such

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1 as -- and we listed a few of them, and I think
2 for simplicity's sake we're just better
3 eliminating that. Okay?

4 I think we had -- Dennis in particular
5 had a comment about the definition of EBM being
6 a compass definition, so we have altered this
7 to indicate that there are multiple definitions.

8 And for purposes of this document we're going
9 to define it as follows: using the compass
10 format.

11 The next change, Tundi had suggested
12 that we might want to give some other examples
13 besides management of marine fisheries, and so
14 we have put in here the biosphere reserves and
15 the Chesapeake Bay program as examples of
16 situations where MPAs are being used as tools
17 in EBM.

18 And then, the conclusion statement
19 is retained with the deletion of the first
20 sentence. We just went up to the top of the
21 document.

22 So we come back up here, and by

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1 putting this first statement up into the top of
2 the document, the very first thing you see in
3 the document, we thought that we ought to change
4 the title rather than have ecosystem approaches
5 to management and then ecosystem-based
6 management to just call it ecosystem-based
7 management from the beginning.

8 So what I'd like to do is to just say,
9 first of all, does anybody have objections or
10 comments you'd like to make about the title
11 change?

12 CHAIR BROMLEY: No.

13 DR. MURRAY: All right. Any
14 suggestions or comments about the first sentence
15 here that follows the title? Go ahead.

16 DR. HALSEY: Yes. In that last
17 paragraph from which I believe you took this,
18 you say that MPAs have been, are, and will
19 continue to be an essential tool for each -- for
20 an ecosystem-based approach to management. And
21 there you've just got that we'll evolve.

22 And so you went from "essential" to

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1 "evolve." That sounds like a pretty big change
2 to me.

3 DR. MURRAY: We have talked about and
4 went back and forth a little bit I think about
5 whether we should move the sentence you're
6 referring to up to the front as well. And if
7 you read it, come down here, we're talking about
8 this bottom passage right here. Dennis is
9 addressing this particular -- this particular
10 sentence that's now on lines 112 and 113.

11 So we could elevate the entire
12 passage up to the front of the document. By doing
13 it -- by laying it out as we did, we simply wanted
14 to put the single emphasis that both EBM and MPAs
15 are place-based, and that's essentially the
16 difference. whether this conclusive statement
17 gets shoved up in front, or whether it stays here
18 at the end.

19 I think if we move this statement,
20 these two sentences, if we move them up to the
21 front of the document, then I'm not sure we really
22 have any -- we don't have a conclusion, then.

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1 The paragraph above it would simply be a
2 continuation of the one before that. So, I mean,
3 I think the options are to move all of this up
4 to the front, and then eliminate the conclusion
5 component of the document or to leave it as it
6 is. Mark?

7 DR. HIXON: Well, I think addressing
8 your comment, Dennis, if you say something
9 involves something, I mean, to me that's essence.

10 So how would you just change that first sentence
11 to be happy as opposed to yanking the whole
12 concluding paragraph up front?

13 DR. HEINEMANN: Well, let's say that
14 I'm happy with the conclusion you've got. I was
15 thinking back to I think it was Tony's comment
16 that led to that -- to the movement or the creation
17 of that sentence up front, which I thought he
18 was suggesting that you give the conclusions
19 right up front. And so that's what I think was
20 what I was expecting, was to see something from
21 that final paragraph.

22 There was even talk, I believe, when

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1 we were discussing -- when you responded
2 to -- about moving that paragraph up there. So
3 I guess that's what I was expecting, and thinking
4 that it had -- you had done that, but then changed
5 the sense of the conclusion. But it's not the
6 same conclusion that --

7 DR. HIXON: We actually moved that
8 whole paragraph up front. And when we did that,
9 we realized that it just seemed extremely awkward
10 sitting there out of context, especially the very
11 last sentence of the concluding paragraph.

12 CHAIR BROMLEY: Steve, can I get in?
13 I mean, the word "involve" may be -- MPAs and
14 EBMs are both place-based approaches for the
15 protection of marine resources. Does that help
16 you?

17 DR. HIXON: Or you can say necessarily
18 and necessarily involved.

19 DR. CHATWIN: May I?

20 CHAIR BROMLEY: Wait. Let's hear from
21 Tony.

22 DR. CHATWIN: Yes. I don't think that

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1 they're both approaches. I think one is an
2 approach, and one is a tool. And the concluding
3 sentence captures that very well.

4 I had suggested to put that up front,
5 because I think that's the message we're trying
6 to communicate. And that was the question I raised
7 earlier, that we were trying to communicate.
8 We've actually captured really well trying to
9 communicate.

10 However, looking at today, I still
11 think that would be the best -- that message would
12 be best up front. I recognize that in the title
13 it already says an essential tool for ecosystem,
14 and that's the message, so that's the title.

15 I also like that there was a
16 clarifying statement that we wrote. What I don't
17 like is that we -- the marine ecosystem management
18 and marine protected areas are major topics of
19 discussion and debate. That just means, you know,
20 this is out there. This is -- and then, so it
21 starts really broad, and then we narrow it down
22 and end up with a conclusion, and that is the

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1 science paper.

2 It gives the context for the issue.

3 You sort of narrow it down and give it the
4 relevance, and then this is my hypothesis, and
5 here is my conclusion. That's not how we have
6 to structure this.

7 And we're almost there. I don't -- I
8 don't have a specific schedule, but I guess that
9 sentence saying that it's this huge broad thing
10 is what -- those are issues for discussion, and
11 it's all sort of nebulous.

12 I think we could start much more
13 focused and refined, which is the idea, that we
14 would reach that, because system-based
15 management -- system-based management is
16 something that administration had adopted as an
17 approach, and that -- so that's a real world
18 concept, and that MPAs are an essential tool for
19 that.

20 And that, to me, has to be the opening
21 message, and then we can go into the rest of it.

22 DR. MURRAY: Let's do this. Let's

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1 go through the rest of the changes and see if
2 we're back only to this one issue. Okay?

3 MR. PETERSON: Can I suggest a change
4 to this, the first one? Both place-based and
5 incorporate special protection of marine
6 resources -- or utilize them, or something like
7 hat.

8 DR. MURRAY: Okay.

9 MR. PETERSON: But I would be for
10 letting the subcommittee do the editing on this.
11 I think the committee as a whole cannot --

12 DR. MURRAY: That's why I want to see
13 if we have any other issues, because if we have
14 any -- if we have no other issues, then we can
15 spend a little more time on this particular one.

16 MR. PETERSON: I have one other word
17 change that I'd like to present.

18 DR. MURRAY: A word change. Go ahead.

19 MR. PETERSON: Go down -- go all the
20 way down.

21 DR. MURRAY: Let's pick them up as
22 we get there.

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1 MR. PETERSON: All right.

2 DR. MURRAY: So does anybody have any
3 problem with the parenthetical -- the little
4 clause here including state and territorial
5 waters? Everybody happy with that, I presume?

6 PARTICIPANT: I'm happy.

7 DR. MURRAY: All right. Anybody
8 object to striking out this particular bulleted
9 item? Thank you. You catch me when I get to
10 your spot. Is everybody happy with the way that
11 we've handled this now?

12 Dennis?

13 DR. HEINEMANN: I have a question
14 about that. I'm largely happy with that. One
15 of the other comments we got was concern about
16 the goal part of that statement. And I recall
17 she said something, it's not all about people.
18 That second sentence there, "The goal of
19 ecosystem-based management is to maintain," blah,
20 blah, blah, blah, "so that it can provide the
21 services humans want and need."

22 And I guess the question I wanted to

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1 ask you guys is: I think I made the point
2 yesterday that various definitions of EBM vary
3 in a lot of different ways. One way in which
4 they vary is in terms of the goal that
5 ecosystem-based management might have. And this
6 is -- I think I agree with her interpretation
7 of this. This is a rather definitive statement
8 of what the goal is -- is that it's to provide
9 human services and needs, and the way you do that
10 is by the first part of the sentence, maintain
11 ecosystems, but the goal, the purpose, is human
12 services and needs.

13 And is that the goal that we want to
14 be driving toward with ecosystem-based
15 management and marine protected areas as they
16 fit into ecosystem-based management? Because
17 it's just one on a spectrum of possible goals
18 that we could have, some more human-oriented and
19 some less human-oriented.

20 DR. MURRAY: One point that we need
21 to consider is that that entire passage from line
22 53 to line 65 is a direct quote from the compass

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1 consensus statement. So anything we do there
2 we're literally dealing with lines 53 to 65.

3 Mark?

4 DR. HIXON: I would just go to -- when
5 I read that sentence, Dennis, I read, "The goal
6 of ecosystem-based management is to maintain an
7 ecosystem in a healthy, productive, and resilient
8 condition." That's what I read. And then,
9 there's a clause added on to it about human
10 utility and what not. So I can't disagree with
11 that first clause.

12 I think that first clause is exactly
13 what you're talking about. Am I right?

14 DR. HEINEMANN: No, I'm talking about
15 the clause that's added on the end.

16 DR. HIXON: Right. But I see the first
17 clause --

18 DR. HEINEMANN: The purpose of
19 the -- that's the purpose for the goal.

20 DR. HIXON: Yes, I guess we're just
21 reading the sentence differently.

22 CHAIR BROMLEY: We're getting close

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1 to getting back to a subcommittee to work on it
2 some more.

3 DR. HEINEMANN: No, this isn't about
4 wording, because I think Steven is right. We
5 can't change the wording of this. This is pulled
6 from another document. This has to do more about
7 a philosophical question of, does this committee
8 want to be perhaps perceived as endorsing one
9 particular of many goals for ecosystem-based
10 management? That's the question I'm asking.
11 I can't say I'm personally too worried about it.

12 DR. MURRAY: Is there anybody else
13 who wants to raise a concern?

14 CHAIR BROMLEY: I'd like to raise a
15 concern, and I'd also like to recognize Fran here
16 in a second.

17 MS. WENZEL: Are you still on this
18 issue? I think Dan is onto a new one.

19 CHAIR BROMLEY: I want to go to --

20 DR. MURRAY: Whatever. You're the
21 boss.

22 CHAIR BROMLEY: No. I want to go back

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1 to the start. Could you please show me the top?

2 Marine protected areas. Essential tools for
3 ecosystem-based management. Reading this,
4 "essential" then transfers into "necessary,"
5 maps into necessary, which means to me that one
6 cannot do ecosystem-based management without an
7 MPA. That's what the word "essential" means.
8 Okay? It is an essential tool for ecosystem-based
9 management.

10 I challenge that. And, Fran, I just
11 received word that Jim is not feeling well, and
12 Jim -- my understanding is Jim is not entirely
13 comfortable with some of this. And, Fran, would
14 you -- could I recognize you to try to convey
15 what it was that Jim would like to convey to us?

16 MS. WILSHUSEN: Yes, as best I can.

17 He just -- he apologizes for not being able to
18 be here this afternoon, but asked that if this
19 came back up, and he thought that it would, that
20 folks would have an opportunity to hear that he
21 is uncomfortable with the document in a number
22 of areas, the largest being what you --

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1 CHAIR BROMLEY: What I just said?

2 MS. WILSHUSEN: Mr. Chairman just
3 brought up that "essential" indicates -- I mean,
4 ecosystem-based management is something that the
5 tribes work with and support and engage in in
6 a very comprehensive kind of way. The other issue
7 that he had was there was a piece of the cultural
8 resources section down below that he would like
9 to see expanded. That was a smaller issue.

10 CHAIR BROMLEY: So, yes, we can tinker
11 with words, Steve, but I think to me there is
12 a fundamental issue. This implies necessity,
13 that you cannot have ecosystem-based management
14 without an MPA.

15 DR. MURRAY: So let's -- let me get
16 through the last few of these minor changes, so
17 we know what we have to concentrate on.

18 CHAIR BROMLEY: Okay.

19 DR. MURRAY: All right. So we're down
20 to line 99 and 100. Everybody happy with that?
21 Hearing no problems -- yes? I'm sorry.

22 MR. BOWMAN: Just as a matter of

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1 correctness, could you back up to the thing about
2 multiple agencies?

3 Mary, is Seymour in any of the ocean
4 action plans?

5 DR. MURRAY: What line number are you
6 talking about?

7 MR. BOWMAN: I'm sorry, where Park
8 Service and NOAA and all of that are engaging
9 in ecosystem-based management. Yes, right there.
10 Is anybody under Seymour trying to develop an
11 administration-wide definition of
12 ecosystem-based management?

13 MS. GLACKIN: Well, we haven't taken
14 on specifically the definition, but we are
15 working on regional workshops to basically move
16 this concept forward, and I think they, you know,
17 at that detailed level will be -- you know, will
18 be engaging in that.

19 MR. BOWMAN: Okay. Because I don't
20 see how to capture that here. I was just concerned
21 that that gives the impression -- oh, wait a
22 minute. That's not the right paragraph.

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1 PARTICIPANT: Help those of us out
2 who aren't in the loop.

3 MS. GLACKIN: It's the Subcommittee
4 for Integrated Management of Ocean Resources that
5 got set up under the Ocean Action Plan.

6 MR. BOWMAN: I'm sorry. There was
7 a paragraph -- back up I think just about two
8 or three sentences, whether they had multiple
9 agencies engaging in MPAs. Keep going up. Keep
10 going up. Just a minute.

11 No, I'm sorry. Unless you've dropped
12 it out, I could have sworn that I --

13 MS. GLACKIN: It's under Conclusion.

14 MR. BOWMAN: Under Conclusion. All
15 right. My impression on reading that is that
16 you've got eight different agencies going every
17 which way.

18 DR. MURRAY: You're talking about --

19 MR. BOWMAN: You have the challenge
20 being addressed by the Advisory Committee, the
21 MPA Center, NOAA Fisheries. And I was just
22 thinking if there was -- just as a clarification,

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1 if there was a set process, but that sort of thing
2 is too diffuse and so I just say let's just -- I
3 don't have any way to approve that. I just thought
4 if there was a single effort underway we could --

5 MS. GLACKIN: Well, there certainly
6 is an action that could be cited in the Seymour
7 work plan that's out there in public. I could
8 look at that line which --

9 DR. MURRAY: All right. So if one
10 of you wants to provide some input to that, we'll
11 accept it. We need to work on the title and what
12 goes up front. And that's the end of our report.

13 CHAIR BROMLEY: Good. Thank you.
14 Sorry to hammer on you so much.

15 Yes, George?

16 MR. LAPOINTE: Well, I want to hammer
17 on you a little bit. Go back -- Steve, could
18 you go to your title slide? The title at the
19 top of the document, I apologize.

20 So you're saying it's not
21 essential -- marine protected area is, you know,
22 a pretty good tool for ecosystem-based management.

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1 Help me out here a little bit.

2 CHAIR BROMLEY: I don't have revised
3 language. All I'm saying is if one reads what
4 the word "essential" means, to me that maps into
5 "necessary." It means you cannot get one thing
6 without the other. That's what essentiality
7 means to me. Okay?

8 So all I'm questioning, then, is -- is
9 with the claiming. This is a claim that marine
10 protected areas are essential for
11 ecosystem-based management, meaning that MPAs
12 are necessary in order to have -- that's what
13 that speaks.

14 MR. LAPOINTE: And I think that's what
15 people are trying to say.

16 CHAIR BROMLEY: That might be what
17 they're trying to say. I would like to object,
18 you know, personally to that assertion, and I
19 think Jim Woods also would challenge it, because
20 I think Native Americans believe they do
21 ecosystem-based management and can do it without
22 an MPA. Okay?

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1 So, therefore, if they can do it, then
2 MPA is not essential for ecosystem-based
3 management. So that's I think the issue
4 here -- what the committee wishes -- what message
5 we wish to convey.

6 You may wish I stayed on as Chairman
7 when you see how I can fight.

8 (Laughter.)

9 PARTICIPANT: Let me follow up on that.

10 If we're using the definition of MPA that is
11 as big as the bridge that crosses the river over
12 here, I would argue that many of the things that
13 both Jim and the other gentleman said they do
14 fits into the definition of a permanent
15 protection in place-based.

16 So I -- and I think that in hearing
17 their message they would say that was critical
18 as well. So I'm not -- I think that's worthy
19 of some further argument before we either pitch
20 it or keep it in, because I -- you know, again,
21 it's a strong message one way or the other.

22 CHAIR BROMLEY: Okay. I've got Bob

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1 Zales and Mark and Mike and --

2 MR. ZALES: I was going to bring this
3 up, too, under the conclusions where it mentions
4 essential, and then I started looking at this
5 and saw it on top, so I thought the two went
6 together. But I've got the same concern as you,
7 because to me "essential" means that you can't
8 do any of this unless you've got an MPA.

9 And I'm not sure you have to have an
10 MPA in order to have ecosystem-based management.

11 So, and this gets into what somebody commented
12 earlier, and I know we've talked about it
13 throughout the history of this -- of this
14 committee, is the audience that reads these
15 things, is what was commented today that's been
16 published in the Federal Register, that this is
17 language in here that the average citizen -- first
18 off, the average citizen doesn't even read the
19 Federal Register.

20 But when he gets a copy of what's out
21 there, what they read, a lot of what's in there
22 they don't understand the terminology. So when

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1 a member of the public reads "essential," if
2 they've got any kind of education at all, they're
3 going to say, "Well, that means they have to have
4 this." And for people that have problems with
5 MPAs and the definitions on what they may or may
6 not be, a lot of them are going to say, "I don't
7 think so, so I'm not going to support it."

8 CHAIR BROMLEY: Mark?

9 DR. HIXON: I see a huge issue of
10 semantics here. It's very clear that the tribes
11 have always had an ecosystem-based perspective
12 on what they do, and a very holistic perspective
13 on how resources are managed. There's no question
14 about that.

15 There is also this new phenomenon
16 that has been getting a lot of play in policy
17 discussions called ecosystem-based management.

18 And every single paper I've read about this
19 particular concept, those three words, there
20 is -- MPAs are part -- are one of the tools
21 involved in that particular approach to
22 management of marine resources.

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1 CHAIR BROMLEY: Did you say "one of
2 the tools"?

3 DR. HIXON: Is one of the tools --

4 CHAIR BROMLEY: Well, that's my
5 argument. One of the essential tools, that means
6 there's more than one tool, so, therefore, it
7 can't be essential.

8 DR. HIXON: Well, I disagree with
9 that.

10 CHAIR BROMLEY: Okay.

11 DR. HIXON: I'm saying one of the
12 essential tools for ecosystem-based management.

13 So the fact that somebody has an ecosystem
14 perspective in their approach, no disagreement
15 there. There's a whole variety of things in terms
16 of ecosystem perspective and holistic
17 perspective that may not necessarily involve
18 MPAs.

19 But every document I've read about
20 ecosystem-based management in the oceans does
21 involve MPAs. That's my experience.

22 Thanks.

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1 CHAIR BROMLEY: Mike?

2 DR. CRUICKSHANK: (Inaudible comment
3 from an unmiked location.)

4 CHAIR BROMLEY: I'd like to ask Steve
5 to take it back and --

6 DR. MURRAY: We'll take it back, but
7 one more thing I would point out is that if you
8 go to the thesaurus, you have -- for "essential"
9 you have necessary, you have fundamental. And
10 "essential" you're defining very narrowly, but
11 not inaccurately, but there are other definitions
12 of -- and other ways to translate the word
13 "essential."

14 We'll take it back to committee and
15 work on it and come up with another word that
16 we think conveys in another way the meaning that
17 we all want to have. So we have two things we're
18 going to do. We're going to work on that title,
19 and we're going to work on what goes in right
20 below the title, and then we're going to bring
21 it back.

22 And when we bring it back, we're

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1 assuming that we're not going to hear anything
2 more about the rest of the document at this point
3 in time.

4 (Laughter.)

5 We'll talk about it and get it taken
6 care of. Okay?

7 CHAIR BROMLEY: Good. Subcommittee
8 3 or 2? Who -- 2 or 1? Who wants to -- 1, are
9 you ready?

10 MR. PETERSON: Okay. We're not going
11 to have you edit this paper yet. It's not ready
12 for prime time.

13 PARTICIPANT: Ah, gee, Max.

14 MR. PETERSON: Bob Zales is going to
15 kick off this part of the presentation with the
16 help of Jonathan on the computer keyboards. Okay.
17 Bob?

18 MR. ZALES: Okay. This is our report.
19 I haven't seen this thing yet, so you can flip
20 over to the next page. That's the members of
21 our committee that everybody can read. And I
22 can't read that.

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1 The key questions we were tasked
2 to -- key question we were tasked with was: how
3 should planning for the national system MPAs be
4 done in a way that encourages cooperation and
5 coordination among the different approaches to
6 marine management at the regional, national, and
7 international levels?

8 The subquestion is: what are some
9 examples of where governments and stakeholders
10 organized to work together at the regional and/or
11 ecosystem level to enhance resource management
12 and/or conservation? And I believe we've really
13 got 10 or 11 examples of those, and a couple of
14 them we were going to let be talked about here.

15 The approach was to identify and
16 examine the nature of experiences and lessons
17 learned from existing regional efforts and case
18 studies, which is a questionnaire that we
19 developed and interviewed people. And then, we
20 were going to draw on these experiences to develop
21 best practices that can help with the
22 implementation of the national system at the

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1 regional level.

2 The selective case studies were a
3 south Florida ecosystem -- was myself and Bob
4 Bendick, which Bob handled this because I got
5 busy and wasn't able to get involved in it. I've
6 got a couple of studies from the Gulf Council
7 and one from Dr. Russell Nelson, who used to be
8 the Executive Director for Florida Marine
9 Fisheries Commission.

10 The Great Lakes Shipwreck Preserve
11 System was Charlie. North Pacific Fishery
12 Management Council effort to establish cold water
13 corals habitat protection in the Gulf of Alaska
14 was Dave Bennett. The Gulf of Maine Council was
15 the MPA Center, the Great Barrier Reef was the
16 MPA Center, Appalachian Trail Conference was Max.

17 Wild and scenic rivers were Max, Gulf of Mexico
18 Alliance was also Bob Bendick, world heritage
19 transboundary sites was Eric Gilman, and tribes
20 in Washington marine co-management was Jim Woods.

21 So I guess, Bob, do you want to go
22 over part of your south Florida management?

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1 MR. BENDICK: Briefly. I'm going to
2 talk about the sort of two related south Florida
3 efforts, one south Florida ecosystem restoration
4 task force and working group, and also the
5 various aspects of the Florida Keys national
6 marine sanctuary, which some could consider a
7 network of reserves, including the Water Quality
8 Steering Committee and Sanctuary Advisory
9 Committee.

10 Of course, there are other people
11 here who know more about this than I do, and Dan
12 Suman is particularly an expert on these subjects.

13 But these two efforts clearly produce results.

14 Whether you think that the plan for Everglades
15 restoration is a great plan or a flawed plan,
16 it's going forward, and the groups got together
17 and agreed that it should go forward, a very wide
18 range of federal and state agencies.

19 And similarly, the Florida Keys
20 National Marine Sanctuary exists, has expanded,
21 has been managed, has had a measure of success.

22 So these are examples that have produced real

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1 results in finite time.

2 So just to talk a little bit about
3 the sort of ingredients of success -- and when
4 I say "success" I'm not saying the ultimate
5 ecological success of the -- of either Everglades
6 restoration or the Keys sanctuary, but the
7 success of these efforts to draw in and engage
8 a wide variety of agencies and stakeholders.

9 Some of the ingredients that I think
10 are common to both the south Florida effort and
11 the Keys effort is really a subset of that, is
12 that pretty much everybody affected by these
13 actions was somehow involved -- federal agencies,
14 state agencies, local agencies, tribes, and
15 stakeholders. And they all were motivated to
16 be involved. There was clear motivation for
17 engagement.

18 In the case of the Everglades,
19 somebody was going to spend \$8 billion there.
20 It was going to affect a lot of people and
21 interests, and people were clamoring to be at
22 the table. In the case of the Keys, the Congress

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1 passed the Florida Keys National Marine Sanctuary
2 designation. There was going to be a sanctuary
3 and, again, people wanted to participate because
4 something was going to happen and they wanted
5 to be at the table.

6 But other ingredients of success were
7 clearly there was money, resources, to fuel that
8 engagement, to have meetings to provide studies,
9 information, to keep it going. There were
10 individuals responsible for coordination and
11 collaboration of agencies, for ensuring that
12 people were at the table.

13 In the case of the Keys, it was the
14 sanctuary manager, Billy Kozzi. In the case of
15 the Everglades, there was a federal Interior
16 officer who coordinated the south Florida
17 ecosystem management task force. So there was
18 somebody to go to to ensure that cooperation was
19 taking place.

20 Thirdly, ingredients for success,
21 there was leadership. Not only were these people
22 designated to do the job, but, like in the case

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1 of Billy, they were impassioned at doing the job
2 of bringing stakeholders and people into -- you
3 know, potentially that should and would cooperate
4 to the table.

5 Next, there was some flexibility in
6 these arrangements, so they could adapt and
7 change with time. They were not rigid, and they
8 existed for a long period of time, and they could
9 respond to their mistakes, controversies,
10 screwups, and change.

11 And, finally, there were clear routes
12 for stakeholder input, that while some people
13 were more unhappy than others in different times
14 in both the creation of the Everglades plan and
15 the creation of the plan and implementation of
16 the sanctuary, really every stakeholder had a
17 route to be heard and to participate and their
18 participation was recorded.

19 So I think the combination of all
20 those things made these -- are good lessons for
21 how you -- how you draw in different government
22 agencies and stakeholder groups to create

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1 specific ecosystem-based products or projects
2 over the long run.

3 MR. ZALES: Thanks, Bob.

4 The next quick plan, that
5 was -- Charles was going to do that, right, on
6 this one?

7 MR. BEEKER: Yes. Well, I was charged
8 with contacting Great Lakes Preserve Systems and
9 I think it might be worthwhile just to
10 do -- briefly give you a little background on
11 that.

12 Other than the case of Michigan, the
13 setup of preserves started in 1980. The preserves
14 within the Great Lakes started after the
15 Abandoned Shipwreck Act of 1987, and I happen
16 to have been on the archaeological working
17 committee for that, and I think very early it
18 was identified what the law that came out in 1987
19 and its subsequent guidelines in 1990 entitled
20 the states the ownership and made recommendations
21 for parks and preserves and how this might be
22 done in inventories.

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1 The real problem with it was lack of
2 funding. And initially, I remember when this
3 came about, I got off the committee and John and
4 I got together, all the members in the Great Lakes,
5 saw there was a lot of excitement, there was some
6 task force meetings initiated in Michigan, and
7 I -- with that in mind, I thought this
8 questionnaire would be a predictable set of
9 answers we sent out, that I would see this.

10 What came back I thought was rather
11 interesting. What we're finding is Michigan has
12 an excellent set of preserve systems. They
13 responded. Wisconsin has an excellent preserve
14 system, has responded. Minnesota did not respond.

15 The third response we received was from the
16 Thunder Bay National Marine Sanctuary.

17 The dichotomy of the response to the
18 questionnaire I thought was interesting, in that
19 talking about the question of how would a series
20 of MPAs be beneficial, or would it be beneficial,
21 we've got Thunder Bay saying absolutely, strongly
22 agree for all the reasons of coordination of the

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1 education, potential leverage of funding, but
2 the states came back with there's no funds, and
3 there was never any funds for the Abandoned
4 Shipwreck Act. What funds were available seem
5 to have dried up.

6 The states themselves find now the
7 responses were that they find instead of managing
8 the shipwrecks and the public outreach and
9 education they are writing grants themselves
10 trying to find funding to maintain the resources
11 they're currently charged by the federal law to
12 protect.

13 So I guess I would look at my analysis
14 of the three responses is that without some type
15 of coordinating agency or, you know, someone
16 taking the lead -- in this case perhaps the MPA
17 Center, the Great Lakes Region -- that there may
18 not be any tangible benefits they are going to
19 be able to sign on. And what the response
20 was by the state managers, "If it's more paperwork,
21 if it's a website, if it means we need to just
22 participate without any benefit," it doesn't have

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1 to be money, but some type of benefit of
2 coordination, then they won't share whether or
3 not it was worth their effort to be involved in
4 it.

5 So I take from that that it doesn't
6 have to be funding, but that's part of it. And
7 they're all saying they don't have any money.

8 At the same time, I think this can
9 also be -- other areas could be identified by
10 other subcommittees, benefits, things like
11 communication, coordinating an agency, some way
12 to bring us together. Because if we don't come
13 to the table -- I'm in the State of Indiana.
14 I've tried for 20 years to get our state to be
15 involved. They still don't -- they're not
16 involved. Ohio is not involved. Illinois is
17 not involved in parks and preserves.

18 They're just not -- they're not at
19 the table, because there's no table to go to.
20 And I see the MPAs as a powerful way to get a
21 table, but we have to show benefits, and that's
22 what the questionnaire showed.

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1 MR. PETERSON: Thank you very much.

2 We picked these two examples to show you
3 different outcomes, and we have a total of 11
4 examples, including the one that Jim Woods gave
5 us today that we will incorporate.

6 I'm going to hand you out a full
7 outline of the paper, and we'll have an appendix
8 later that will have all 11 of these case studies
9 that will show you the -- our conclusions. But
10 if you move ahead there now, give me -- we came
11 up with six different -- okay.

12 Let me just tell you quickly the six
13 things that we came up with that are apparently
14 essential to success, and you don't have to write
15 this down, because it's going to be on the paper.

16 It's coming around to you.

17 There must be a clear, common
18 interest of the people that are involved in a
19 region, and there must be some recognized problem
20 or opportunity -- a major problem or an
21 opportunity to be addressed. And it has to be
22 a fairly transparent process that allows

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1 different people to come to the table at different
2 times.

3 And there has to be a group or a person
4 who takes the initiative and provides leadership
5 and some level of staffing or some -- something
6 that will keep it going. If you have a whole
7 big group of people, and there's no process for
8 keeping it going, it's likely to fail.

9 Finally, there must be some level of
10 persistence. If you look at all of these, none
11 of them happen overnight. Hopefully, most of
12 them won't be as long as the Oregon process, but
13 at least they have some likelihood of achieving
14 results.

15 And then, there has to be some
16 mechanism in place for communications, either
17 by mail or by conference calls or something, to
18 keep everybody up to date, because everybody
19 can't attend all the meetings.

20 And then, finally, at least initially,
21 the people need to work within existing
22 authorities. If you want to stop things in their

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1 tracks, just talk about shifting authorities
2 around. That will take you five years. So we
3 should be working within existing authority.

4 This is a draft. The committee would
5 love to have any comments. We're not asking for
6 you to approve this at this meeting. We're simply
7 giving it to you for your perusal, but we would
8 love to have comments from you.

9 Thank you very much.

10 CHAIR BROMLEY: Thanks very much.
11 Are there any questions or comments for the group?

12 Thank you. That was very nice.
13 Subcommittee 2, Tony, are you --

14 DR. CHATWIN: Thank you, Mr. Chairman.

15 You know, yesterday we had the opportunity to
16 give an update of where we stood, and we hadn't
17 had an opportunity to meet as a committee. What
18 I would like to ask my fellow committee members
19 if is anyone has thought about the questions I
20 raised yesterday, overnight, or has some
21 additional information to provide to us.

22 And I will refresh your memory that

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1 we were talking about an all-inclusive system,
2 whether the system should be tiered or not, and
3 variations of the tiers.

4 I can say that the people we talked
5 to yesterday, it has helped us think of how we're
6 going to approach these issues this afternoon,
7 and we're going to -- I'm going to recommend to
8 the subcommittee that we set aside the issue of
9 whether it should be tiered or not, or inclusive
10 or not, and focus more on the question that was
11 raised as, what is in it for me. And given
12 that -- the various categories of "me," and we'll
13 start our discussion that way, and hopefully that
14 will inform the debate that we had about tiered
15 or not tiered.

16 I'd also just like to share thoughts
17 that I had. There is -- regarding this concern
18 about an all-inclusive system that will have
19 1,500 sites and that -- that is too many perhaps,
20 I think it's important to remember that in that
21 framework there is a very significant step after
22 the framework becomes final. And that is that

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1 the -- the relevant authorities have to nominate
2 those sites, and there may be very strong reasons
3 for these authorities not to nominate all of those
4 sites. So the 1,500 is a maximum scenario. Okay?

5 CHAIR BROMLEY: All right. Bob Zales,
6 and Jim Ray.

7 MR. ZALES: Yes. And this is just
8 for clarification mostly I guess, because in the
9 thing that Charlie handed out yesterday in
10 the -- because I think we're getting confused
11 on the 1,500 number being MPAs or MMAs. And
12 according to this, those are marine managed areas.

13 And when you look at the chart that he did in
14 the back, it's a much smaller number for MPAs
15 that would qualify according to the current thing
16 that's in the Federal Register. So is that
17 correct or not?

18 PARTICIPANT: No, that's the west
19 coast. We're only looking at the west coast
20 there.

21 MR. ZALES: Okay. So all 1,500 or
22 so would be candidates for MPAs?

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1 PARTICIPANT: According to this, it's
2 1,641.

3 MR. ZALES: Then, I misunderstood.

4 DR. CHATWIN: They would be eligible
5 to be nominated. And that's a big difference,
6 because there might be reasons that the
7 nominating parties may not want to nominate
8 certain sites.

9 MR. ZALES: Well, yes, and then
10 that -- that gets into what's been heard I guess
11 for the history of this thing, too. And then,
12 like yesterday and today about what is the prize
13 for being nominated, what do you get for being
14 in the system. And it appears to me right now
15 the underlying prize would be money. And
16 obviously the MPA center is having to cut budgets
17 now, they can't even afford to put stuff in the
18 next ghost filing.

19 So, you know, that issue, along with
20 whatever else, I guess we need to figure out.
21 That's why I asked that question, is what they
22 would like to see. What do they get back for

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1 getting an MPA?

2 DR. CHATWIN: And we're going to
3 discuss that this afternoon.

4 CHAIR BROMLEY: Good. Jim Ray, and
5 then Bob Bendick, and then Mark.

6 DR. RAY: During the lunch break I
7 was having a discussion with George and Tundi
8 outside, and I -- George made, you know, an
9 interesting comment that, you know, a lot of these
10 kinds of programs, we study them to death and
11 spend 10 or 20 years planning before we ever do
12 anything concrete.

13 And out of that comment, you know,
14 the thought that came to my mind was that
15 somewhere in the near future here, assuming that
16 the development of an MPA system continues to
17 go forward, you know, and it fits into your tiered
18 discussion that we -- that we've been talking
19 about, is that maybe initially we don't try to
20 fold all 1,500 or 2,000 in one great big swoop
21 into an overall system.

22 We may get to a certain point in this

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1 planning process where you've set enough of a
2 structure as to -- of what's desired that you
3 make a first pass in pulling some of
4 your -- your -- high priority example, protected
5 areas into this system of MPAs, and get the
6 program started.

7 That gives you an opportunity to not
8 only start to have the beginnings of a successful
9 MPA system, but it also gives an opportunity to
10 start building a response to that question of,
11 what's the benefit of being part of that MPA
12 system? So it's not quite the tier approach,
13 but it's just another way to -- to approach it
14 or think about it.

15 So, you know, we kind of banged that
16 discussion around a little bit at lunch, and kind
17 of thought it was worthwhile to throw it out here
18 into this discussion, and so that the
19 subcommittee could talk about it a little bit
20 further today.

21 So that's just another approach to
22 talk about.

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1 CHAIR BROMLEY: Okay. Bob Zales, did
2 you have any --

3 MR. ZALES: No, I already --

4 CHAIR BROMLEY: Oh, Bob Bendick.

5 MR. BENDICK: Yes. Following on, just,
6 you know, some things for Tony's subcommittee
7 maybe. First, I thought in a framework the one
8 incentive that we talked about in our original
9 recommendations had to do with influence or
10 impact on federal actions. You know, would the
11 assistance of an MPA as part of the system be
12 an influence or affect a federal action that
13 affected that system?

14 And the discussion of that in the
15 framework document I think is kind of vague.
16 And so I think it would be useful for the
17 subcommittee to talk about how that could be
18 sharpened up, so that it would actually be an
19 incentive to become part of the system.

20 Secondly, the issue of money. I mean,
21 all the case studies suggest that without money
22 you don't have this thing work. You don't have

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1 a system work. You don't have incentives. So
2 to take it as a given that we're not going to
3 get any money makes -- doesn't make sense to me.

4 If money is a critical incentive for
5 making this thing, or what you perceive to be
6 a reasonable topic of discussion for your
7 subcommittee, then we need to say that. And,
8 you know, maybe we don't have a system if there's
9 no money, but we shouldn't create a system -- the
10 illusion of a system that can't work if there's
11 no money.

12 And I suspect that a pretty small
13 amount of money could go a long way. A couple
14 of people have said that. For example, the
15 research reserve system has a national estuarian
16 research reserve system. It has a very small
17 budget, but it has used that money very well to
18 leverage all sorts of other money.

19 And, finally, the issue of
20 representation. I do think that if the system
21 doesn't somehow provide incentives for those
22 critical places for marine productivity, for

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1 fishing, or to represent the diversity of marine
2 environments, if nothing is driving that, then,
3 again, you don't have a system. All you have
4 is a collection or an inventory.

5 And the -- one of the primary purposes
6 of the system was to actually have it functional
7 in terms of providing the ecological and human
8 and cultural benefits that were intended. And
9 so I think thinking about what better incentives
10 could be used to actually get representation
11 would be really useful.

12 CHAIR BROMLEY: Thank you.

13 Mark Hixon?

14 DR. HIXON: The issue of funding is
15 an 800-pound gorilla that occasionally jumps up
16 and down on our backs, and it just keeps coming
17 back, it just keeps coming back, it just keeps
18 coming back.

19 And I was in D.C. last week at the
20 National Science Foundation, and Leon Panetta
21 spoke. He was chair of the Pugh Oceans Commission
22 and now co-chair of the Joint Oceans Commission.

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1 And one of the main messages he conveyed was,
2 given the state of the United States right now,
3 the only way to get funding is to fight for it.

4 And he was actually encouraging the
5 National Science Foundation to fight for funding
6 for marine-related research. And this may be
7 taboo in this committee -- I don't know -- I may
8 be completely politically incorrect. But funding
9 is a key issue, and it's something we're going
10 to have to grapple with at some level.

11 And if Mr. Panetta is right, we're
12 going to have to fight for it somehow. So I want
13 to put that on the table. I don't know the
14 mechanisms, but no money, we're not going to get
15 a whole lot done.

16 CHAIR BROMLEY: Bob?

17 MR. BENDICK: Well, if we can start
18 by really being able to focus and express how
19 money, at least a small amount of money, would
20 leverage and be pivotal to creating what we want,
21 to build a case for money not for a bunch of money
22 for vague purposes, but specific money for

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1 specific purposes. That would be a start in
2 making the argument, and it seems appropriate
3 that we do that.

4 CHAIR BROMLEY: Yes, I would like
5 to -- I mean, we could talk about money forever.

6 So, Mark, and then I guess Gil, and then let's --

7 DR. HIXON: What's not clear to me
8 is the exact mechanism. Mr. Panetta was saying
9 Congress must be stormed, and we have been
10 pounding on the doors of Congress for --

11 CHAIR BROMLEY: There are good
12 reasons to storm it. You know, this one would
13 be about fourth on my list.

14 (Laughter.)

15 DR. HIXON: But, you know, it
16 basically says it's going to hit that level.
17 If you don't fight, you're not going to get it.

18 And he told a great joke. I've got
19 to tell this joke. I don't tell it as well as
20 he does. A priest and a rabbi went to a boxing
21 match, and one of the players made the sign of
22 the cross before entering the ring. And the rabbi

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1 said to the priest, "What does that mean?" and
2 the priest said, "It doesn't mean a damn thing
3 if you can't fight."

4 (Laughter.)

5 CHAIR BROMLEY: Gil, and then Mary.

6 MR. RADONSKI: You know, we're
7 talking about incentives for going into the
8 national system. As far as the fact -- MPA fact
9 here is concerned, it really doesn't matter.
10 We are charged by the Executive Order to tell
11 them, "I'll set up a national system."

12 It isn't -- you know, once it goes
13 beyond that, we're into a different character.

14 I agree with everybody, and the caution, you
15 know, what are the benefits -- we keep asking
16 that -- of coming into it? But for the time being,
17 don't think that's our question. Our question
18 is how to go about doing it. That's what we're
19 supposed to be providing advice on.

20 CHAIR BROMLEY: Okay. Thanks. Mary?

21 MS. GLACKIN: At the risk of
22 prolonging this further, I mentioned the

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1 subcommittee that I'm chairing, and one of the
2 things that we've talked about, just kind of
3 recently in this committee, is, you know,
4 the -- under the ocean action plan we are
5 developing a 10-year research plan, and that's
6 out for comment and discussion. And that will
7 clearly provide a blueprint of how we need to
8 make science -- investments in science to move
9 forward.

10 What we've talked about is we
11 actually have nothing like that for resource
12 management. You know, all we have is this
13 collective set of everybody's problems. And on
14 what basis could we come together to try to really
15 articulate some national priorities for resource
16 management? So more discussion at the bar.

17 (Laughter.)

18 CHAIR BROMLEY: Could I ask Tony a
19 question? And it goes back to the tiering thing.

20 I think there is a sense that the term MPA covers
21 a variety of things. Fair enough? I mean, there's
22 MMAs and then there's MPAs. Would your tiering

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1 discussion get any traction by suggesting to us
2 different terminology for different degrees of
3 protection of ocean -- of marine habitats?

4 So that, I mean, this is a way to get
5 around the crown jewel story, but it is a way -- as
6 it is now, we have purposes. But I don't think
7 we have in this matrix a set of clear signals
8 to the public and to everybody else about what
9 activities will and will not occur in certain
10 places, and so on.

11 And I guess my question to you is:
12 does it help you -- would it help us -- would
13 you be willing to entertain -- if not, that's
14 fine -- the idea that the term MPA covers a variety
15 of stuff, a variety of things about allowed and
16 disallowed behavior. And if we had terminology
17 like park, reserve, sanctuary, blah, blah, blah,
18 that that would help people get a clear idea of
19 what we're talking about when we talk about a
20 particular kind of MPA with a particular purpose
21 in mind?

22 DR. CHATWIN: I think that could be

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1 a useful discussion, but I would say not at this
2 point in time.

3 CHAIR BROMLEY: Okay.

4 DR. CHATWIN: Because the whole
5 tiering discussion came from the desire to create
6 incentives for sites to -- of course, to evolve
7 to a national system, then to improve themselves,
8 and contribute more to the goals of the national
9 system. And so it was in that context.

10 If you now turn around and start
11 thinking, well, it's grouping different -- come
12 up with terms for grouping different MPAs, I think
13 that's a huge discussion that we need to have.

14 CHAIR BROMLEY: Okay. Dennis, and
15 then Tundi.

16 DR. HEINEMANN: I don't feel that
17 levels of protection were ever an element of the
18 tiers. Tiers were meant to represent somehow
19 some multi-dimensional measure of the quality
20 of an MPA in terms of meeting the objectives of
21 the national system.

22 CHAIR BROMLEY: Yes, okay.

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1 Tundi?

2 DR. AGARDY: The categories -- the
3 tiers were thought of in terms, as Dennis said,
4 not in terms of level of protection, because we
5 wanted to steer away from the idea that a no take
6 reserve is somehow better than a multiple use
7 reserve.

8 CHAIR BROMLEY: Precisely. It's just
9 different, yes.

10 DR. AGARDY: But the idea of
11 categories of MPA was considered in the criteria
12 in a kind of reverse way, a backwards way, from
13 I think what you were implying, which is we want
14 to -- we want to make sure that the MPA system
15 represents many, many kinds of management, from
16 the very small community-based or co-managed
17 areas to the very large, what we would
18 traditionally think of as the marine equivalent
19 of a national park.

20 CHAIR BROMLEY: Right.

21 DR. AGARDY: So that criteria -- that
22 criterion is in there for the tiering, but it

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1 has to do with making sure that they're
2 representative types of management, so that we
3 don't focus solely on these big federally run
4 protected areas.

5 CHAIR BROMLEY: That's fine. Okay.
6 I guess John and Max.

7 DR. HALSEY: Well, as a
8 representative of a functioning system of MPAs,
9 I think it really depends on starting out with
10 what the purpose of that MPA is. I will admit,
11 we are dealing with probably the bottom end of
12 the scale. Our stuff is all dead. You know,
13 it's sitting there, but people still want to
14 exploit it in one way or another.

15 CHAIR BROMLEY: So are you protecting
16 ecosystems?

17 DR. HALSEY: No. No, no, we're not.

18 CHAIR BROMLEY: That's -- you know,
19 so you're not engaged in ecosystem-based
20 management?

21 DR. HALSEY: Not really.

22 CHAIR BROMLEY: You're protecting

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1 artifacts.

2 DR. HALSEY: Protecting artifacts,
3 right. But at this level of money which was never
4 promised, and certainly has never been delivered,
5 really hasn't been a -- it has been a problem,
6 there's a lot of things that we would have liked
7 to have done, but which we couldn't. But through
8 involving people who did have a financial stake
9 in these, namely the charter boat operators, and
10 so forth, that is sort of our -- our level of
11 infield management.

12 It's these people who are looking at
13 these things, and they know that if this steering
14 wheel disappears or this capstan or something
15 like that, that degrades the quality of the
16 experience that they can offer. And, therefore,
17 they're going to lose money.

18 So that at that level, the sanctuary,
19 the preserve, the MPA does have some meaning in
20 that people can identify this particular
21 agglomeration of wrecks as something valuable
22 that they might have some fun or interest or even

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1 excitement in visiting, photographing, and so
2 forth.

3 In terms of time, we started in 1980
4 with this. And we always hoped that some day
5 we would be able to have something that really
6 sort of reached the level of a real MPA, a real
7 preserve, where we had interpretation, where we
8 had so forth, and that finally happened in 2000.

9 So I don't think 20 years is an
10 unreasonable expectation for one of these things
11 to go from just some guys who wanted to save wrecks
12 to something that's now saving the town of El
13 Pena and is really a full-time, really fleshed
14 out, combination state and federal activity
15 management system.

16 And I think we can be looked at as
17 sort of at least one end, as I say on the dead
18 end of resources, something that, you know,
19 eventually does catch the public's attention and
20 does really put a place on the map.

21 CHAIR BROMLEY: That's good. Okay,
22 thanks.

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1 MR. PETERSON: I am from Missouri,
2 Mr. Chairman, and so let me suggest that most
3 of these MPAs are now in the hands of the states.

4 Okay. If you're Timbuktu state out there, I
5 don't see them lining up to nominate these areas
6 as fast as they can, without some understanding
7 of what the benefits are.

8 And so I think when we hand this off
9 to somebody, it's probably going to befall the
10 governors of the coastal states to decide whether
11 they collectively want to do something about this.

12 And, collectively, they could probably get some
13 money. And, collectively, if one state does it,
14 another state is likely to.

15 So I think we're sort of thinking,
16 this business of moving them to where they are
17 into this national system is sort of an analysis
18 exercise, it's not an analysis exercise at all.

19 It's ultimately a political exercise of what
20 those states want to do, and ultimately, too,
21 putting it in the national system is not going
22 to change the management.

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1 If we say if we put it in the national
2 system we're going to change the name and we're
3 going to call them different things and continue
4 to manage them, we're not going to get them,
5 because the people that have them are not going
6 to give up management.

7 So, and then, finally, we had not
8 looked at the whole EEZ outside of state and
9 territorial waters very much. I think that we
10 ought to think about, as we round out a system
11 of looking at areas that would make sense, out
12 there in the EEZ where there's not a lot of
13 conflicts now, where there's not a lot of uses,
14 that we might be thinking about what kind of
15 policy contributions do the MPAs make in that
16 kind of situation.

17 I just thought this exercise is not
18 simply running through some type of filtering
19 and it comes out as an MPA. It's going to be
20 whether the governor thinks that he or she as
21 the governor and the political people think they
22 want to put it in the system. And I don't see

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1 a lot of them just trying to pile them in, to
2 tell you the truth.

3 CHAIR BROMLEY: Okay. On that happy
4 note, why don't we into our groups. The classroom
5 is now available. Where is the classroom, Lauren?
6 Is it right here?

7 MS. WENZEL: It's next to the gift
8 shop.

9 CHAIR BROMLEY: Next to the gift shop.
10 So two groups can stay here, and one group can
11 go to the classroom instead of the cafe. Or if
12 one group likes the cafe, and the other one could
13 go to the classroom, then one could work here.
14 Is that right?

15 MS. WENZEL: Yes.

16 CHAIR BROMLEY: Okay.

17 (Whereupon, the proceedings in the foregoing
18 matter went off the record.)
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